## VIEW

4, 11

# STATE OF EUROPE

Plic

# THE MIDDLE GES

IN THREE TO UMES

### BY HENRY HALLAM

Γε Χα - ε Αμερίζετε μέλαικα το Νόμεφουν Ναστεριαζό Αθερίνε σε Πμέση έχουν στ ΗΣΙΟΔΟΣ

THTH EDITION

VOL 1

LONDON

JOHN MURRAY, ALBIMARIT STRITTS

MDCCCSMS

Contacts 19.2 - July to all Children

### PREFACE

It is the object of the present work to enhibit, in a series of historical dissertations, a comprehensive survey of the chief circumstances that can interest a philosophical inquirer during the period usually denominated Such an undertaking the Middle Ages must necessarily fall under the class of historical abridgements, yet there will perhaps be found enough to distinguish it from such as have already appeared. Many considerable portions of time, especially before the twelfth century, may justly be alcomed so barren of events worthy of remembrance, that a single-sentence or paragraph is often sufficient to give the character of entire geus, and of long dynastics of obscure kings

Non ragioniam di lor, ma guarda e passa

And even in the more pleasing and instruc-

tive parts of this middle period, it has been my object to avoid the dry composition of annals, and aiming, with what spirit and freedom I could, at a just outline rather than a miniature, to suppress all events that did not appear essentially concatenated with others. or illustrative of important conclusions. But as the modes of government and constitutional laws which prevailed in various countries of Europe, and especially in England, seemed to have been less fully dwelf upon in former works of this description than military or civil transactions, while they were descriving of far more attention. I have taken pains to give a true representation of them, and in every instance to point out the sources from which the reader may derive more complete and original information

Nothing can be farther from my wishes than that the following pages should be judged according to the critical laws of historical composition. Tried in such a balance that would be eminently defective. The himsted extent of this work, compared with the publicits it embraces, as well as its partaking

more of the character of political dissertation than of narrative, must necessarily preclude that circumstantial delineation of events and of characters, upon which the beauty as well as usefulness of a regular history so mainly depends. Nor can I venture to assert that it will be found altogether perspicuous to those who are destitute of any previous acquaintance with the period to which it relates; though I have only pre-supposed, strictly speaking, a knowledge of the common facts of English history, and have endeavoured to avoid, in treating of other countries, those allusive references, which imply more information in the reader than the author designs to communicate. But the arrangement which ( I have adopted has sometimes rendered it necessary to anticipate both names and facts, which are to find a more definite place in a subsequent part of the work

This arrangement is probably different from that of any former historical retrospect Every chapter of the following volumes completes its particular subject, and may be considered in some degree as independent of the rest. The order, consequently, in which they are read will not be very material, though of course I should rather prefer that in which they are at present disposed. A solicitude to avoid continual transitions, and to give free scope to the natural association of connected facts, has dictated this arrangement, to which becomes myself partial. And I have found its inconveniences so trifling in composition, that I cannot believe they will occasion much trouble to the reader

The first chapter comprises the history of France from the measure of Clovis to the expedition, each actin of Charles VIII, against Nuples. It is not possible to fix accurate limits to the Middle Ages, but though the ten centuries from the fifth to the fifteenth seem in a general point of view, to constitute that period, a less arbitrary hyrision was necessar, to render the commencement and conclusion of an historical narrative satisfactory. The continuous chain or transactions on the stage of human society is all divided by mere lines of chronological demarcation. But as the subversion of the western empire

PREFACI 18

is manifestly the natural termination of ancient history, so the establishment of the Franks in Gaul appears the most convenient cooch for the commencement of a new period Less difficulty occurred in finding the other The invasion of Suples by Charles VIII was the event that just engaged the principal states of Turope in udations of alliance or hostility which may be deduced to the present day, and is the point at which ever, man who traces backwards its political instory will be obliged to pause. It firmshe a determinate epoch in the apinals of Italy and France, and nearly coincides with exerts watch naturally terminate the history of the middle ages in other countries

The tended's stem; treated in the second chapter, which I have subjoined to the history of Trance, with which it has a near connexion. Inquirie into the antiquities of that pursprudence occupied more attention in the list age than at present, and their dimess may prove repulsive to many readers. But there is no royal road to the knowledge of law—nor can any man render an obscure

and intricate disquisition either perspictions or entertaining. That the feudal system is an important branch of historical knowledge will not be disputed, when we consider not only its influence upon our own constitution, but that one of the parties which at present divide a neighbouring kingdom professes to appeal to the original principles of its monarchy, as they subsisted before the subversion of that polity

The four succeeding chapters contain a sketch, more or less rapid and general, of the histories of Italy, of Spain, of Germany, and of the Greek and Saracenic empires. In the seventh I have endeavoured to develop the progress of coelesiastical power, a subject emmently distinguishing the Middle Ages, and of which a concise and impartial delineation has long been desirable.

The English constitution turnishes materials for the eighth chapter. I cannot hope to have done sufficient justice to this theme, which has cost me considerable labour, but it is worthy of remark, that since the trea-

tise of Nathaniel Bacon, itself open to much exception, there has been no historical development of our constitution, founded upon-extensive researches, or calculated to give a just notion of its character. For those parts of Henry's history which profess to trace the progress of government are still more jejune than the rest of his volumes, and the work of Professor Millar of Glasgow, however pleasing from its liberal spriit, displays a fault too common among the philosophers of his country, that of theorizing upon an importect induction, and very often upon a total misapprehension of particular facts

The ninth and last chapter relates to the general state of society in Europe during the middle ages, and comprehends the history of commerce, of manners, and of literature. None however of these are treated in detail, and the whole chapter is chiefly designed as supplemental to the rest, in order to vary the relations under which events may be viewed, and to give a more adequate sense of the spirit and character of the middle ages.

In the execution of a plan far more comprehensive than what with a due consideration either of my abilities or opportunities I ought to have undertaken, it would be strangely presumptuous to hope that I can have rendered myself invulnerable to criti-Even it flagrant errors should not be frequently diffected, yet I am aware that a desire of conciseners has prevented the sense of some passeges from appearing sufficiently distinct, and though I cannot hold myself generally responsible for omissions, may work which could only be brought within a plasonable compass by the severe retrenchment of superfluors matter at is highly probably that defective information, for actfulness or too great a fegard to brevity have caused me to pass over man, things which would have materially illustrated the various subjects of these inquiries

I dane not therefore, appeal with conndence to the tribunal of those superior judges, who, having bestowed a more undivided attention on the particular objects that have interested them, may justly deem such general sketches imperfect and superficial, but my labours will not have proved fruitless, if they shall conduce to stimulate the reflection, to guide the researches, to correct the prejudices, or to animate the liberal and virtuous sentiments of inquisitive youth

Mi satis ampli Merces et milii grande deens san ign¶tiisan veino Tuni licet esterno penitusque ingloriu• orbi



## CONTENTS.

#### CHAPTER 1

THE HISTORY OF FRANCE FROM ITS CONQUEST BY CLOVES TO THE INVASION OF NAMES TO CHARGES ATH

# Part

Fall of the Roman Luppic - Invasion of Clovis - Instrace of Trench Kings - Accession of Pepin-- State of Italy Charlemagne—his Reign and Character- Louis the Debonan. His Successors Calanntous State of the Lanquie in the minth and tenth Centuries - Accession of Hugh Capet - His first Successors - Louis VII - Philip Augustus - Conquest of Normandy - War in Languedoc - Louis IX - His Character - Digression upon the Crossites - Philip III - Philip IV - Aggrandisement of Trench Monarchs under his Reign - Reigns of his Children - Question of Salie Law - Clum of Edward III

#### Post H

War of Edward III in France - Causes of his Success
—Civil Disturbances of France - Peace of Bretigni at
Interpretation considered - Charles V - Renewal of the
War - Charles VI - His Minority and Tusanity - Civil
Dissentions of the Parties of Orleans and Brigainds
Assassination of both these Princes - Intrigues of their
Parties with England under Henry IV - Henry V invades France —Freaty of Troves - State of France in the

Charles VII — Progress and subsequent the English Arms—then Expulsion from the Political Constitution—Louis Character—Leagues formed against him—Charles Duke of Burgundy—his Prosperity and Fall—Louis obtains possession of Burgundy—his Death—Charles VIII — Acquisition of Britany

#### CHAPTER II

ON THE EPITOL SYSTEM ASSECTABLY ZN FRANCE

#### Parl

state of ancient Cormany — I fleets of the Conquest of Gaul by the Tranks — Fenures of T and — Distinction of Lays — Constitution of the ancient Frank Monarchy - Gradual I stablishment of Fendal Tenures — Principles of a — Feddal Relation — Ceremonies of Homage and Investitine — Militar Service — Feddal Incidents of Relief Aid, Wardship, &c — Different Species of Frefs— Feddal Law-book — 14-

#### Pao II

Analysis of the Fendal Science in shortd Extent. View of the different Orices of Society during the Feutal Ages. Nobilite their Ranks and Privileges. Clergy—Free-unen Serfs or Villem. Competative State of France and Germany. Privileges empoyed by the French Vassals. Right of coming Money—and of private War—Immunity from Tayation—Historical View of the Royal Resenue in France. Methods adopted to augment it by Depreciation of the Com &c—Legislative Power—Its State under the Merovingian kings—and Charlemagne—His Conneds—Suspension of any general Legislative

10N1FN1- Wi

Authority during the PreValence of Leudal Principles-The King's Council Means adopted to supply the Want of a National Assembly Graduil Progress of the King's Legislative Power - Philip IV assembles the States-Corneral Then Powers limited to Taxation-States under the Sons of Philip IV - States of Locand 1 of all they nearly effect an entire Revolution. The Crown recovers its Vigour States of Locumber Charles V1 -- Subsequent Assemblies under Charles VI and VII - The Crown becomes more and more absor-Inte. Louis XI - States of Louis in Light-Historical Vicacet Turisdiction in France 🕳 Its earligst stage under the first Race of Kings, and Quarlemagne - 1 cfritored Invisits from Toudal Courts of Justice he Confect Code of St. Lones The Territorial Junisdictions 2000 Cr. - Progress of the Junioral Power of the Crown Parliament of Part. Peers of France Increased Authority of the Parliament Registration of I diets. Cans set the Decime of Lendal Sistem. Acquisitions of Domain by the Crown - Charters of Taxorpotation granted to Towns - Their previous Condition In a Charters in the Eveloh Century-Privileges contimor in them. Malitary Strate of Lendal Tomaits commutation Maga Hart Fromes Change metho Military System of Langue Corner d View of the Ademtages and Disply intages attenuing the Lymfal System 199

#### CHAPTER III

THE RESTORY OF TEALY FROM THE ESTINCTION OF THE CARLOVINGTAN EMPERORS TO THE INVASION OF NAPLES BY CRADITS VIII

#### PARI I

State of Italy after the Death of Charles the Lat - Coronation of Otho the Great—State of Rome - Conrad II vol. 1 Union of the Kingdom of Italy with the Empire—Pstablishment of the Normans in Naples and Stelly - Roger Ginscard—Rise of the Lombard Cities—They gradually become more independent of the Empire—Their internal Wars—Frederic Bulkarossa—Destinction of Milan —Lombard League—Buttle of Legianos Peace of Constance—Temporal Principality of the Popes—Cucht and Ghibelin Tuctions—Othor IV—Frederic II—Arrangement of the Italian Republics—Second Comband Wars—Pstinction of the House of Swidia—Causes of the Success of Lombard Republics—Their Prosperity and Lorins of Covergencies—Contentions between the Solubiy and People—Cerl Wars—Story of Grovannich Vicence

#### Pau H

State of Italy after the Lytmetron of the Heuse of Swidna Conquest of Niples by Charles of Appoil
 The Lonibaid Republics become severally subject to Princes or Usurpers. The Viscenty of Milan, then Aggrandicement--- Decline of the Impered Authority over Italy Internal State of Rome - Richer - Florences her Lorins of Construment Instancially learned to the end of the Compust of Pro- Pisa ats Combanteenth Centur merce, Nical Wars 2006 General and Decay-Generalher Contentions with Venice. War of Chioggia--Convernment of Genoa. Venuer-her Origin and Prosperity -Venetian Covernments-its Vices-Territorial Conquests of Venice - - Wilitary System of Italy -- Companies of Adventures 1 foreign, Conarmeri, Hawkwood sand 2 native, Braccio, Storza -Improvements in Military Arms, offensive and defensive--Invention of Compositer - Naples | Last Line of Anjon-- Joanna 1 - Ladistons - Johnna II - Trancis Storzabecomes Duke

of Milan—Altouzo, King of Naples—State of Italy during the fitteenth Century—Florence—Rise of the Medici, and Rulin of their Adversaries—Pretensions of Charles VIII to Naples

## VIEW

OF THE

### STATE OF EUROPE

DURING THE MIDDLE AGES

#### CHAPTER I

THE HISTORY OF FRANCE FROM ITS CONQUEST BY CLOVES TO THE INVASION OF NAPLES BY CHARLES VIII

#### PARTI

Pale of the Remon I impre-Invasion of Clook-Irixt Race of Freich Kings - freesom of Pepule-State of Haby-Charlevergin-Hill Reagn as letharacter-I as the Dehomin Hig Successor - Cita same State of the I process the north and tenth Centurus - freesom of High Copit His post Secretory -Louis VII --Philip Asyrotic Coppet to Normonly Bar in Languedo - Four IX His Claracter Ingression upon the Crusado --Palep III - Philip II — Iggiando en en of French Monarchy under his Reign-Reigns of his Chadren-Question of Salie Lan -- Claim of Edward III

Before the conclusion of the fifth century, the city is mighty fabric of empire, which valour and policy (PART) had founded upon the seven hills of Rome, was (LANC) finally overthrown, in all the west of Europe, by of the Local the barbarous nations from the north, whose mar-

PART I New soulements of the berbarous mations

CHAP. I. tial energy and whose numbers were irresistable A race of men, formerly unknown or despised, had FRANCE not only dismembered that proud sovereignty, but permanently settled themselves in its fairest provinces, and imposed their voke upon the ancient possessors. The Vandals were masters of Africa, the Suevi held part of Spain, the Visigoths possessed the remainder, with a large portion of Gaul, the Burgundians occupied the provinces watered by the Rhone and Saone, the Ostrogoths almost all Italy The north-west of Gaul, between the Seine and the Lone, some writers have filled with an Armorican republic,\* while the remainder was still nominally subject to the Roman empire, and governed by a certain Syaginis, rather with an independent than a deputed authority

Invasion of At this time, Clovis, king of the Salian Franks, Clovis A.D 486 a tribe of Germans long connected with Rome, and originally settled upon the right bank of the Rhine, but who had latterly penetrated as far as Tournay and Cambray, I invaded Gaul and de-

> It is impossible not to speak sceptically as to this regulation r rather confederation of independent enter under the rule of their respective bishops, which Dir Ros has with great ingenuity raised upon very slight historical evidence, and in defiance of the silence of Gregory, whose see of Tours bur dered upon their supposed territory. But his hypothesis is not to be absolutely rejected, herause it is by no means deficient in internal perbability, and the early part of Gregory's history is brief and negligent Du Bos, Hist Critique de l'Etablissement des 1 ranquis dans

le Gudes, expects a tableau C. do, ther following Du Bos in hi "x", whispers, is usual, his sic port dis in a note

t Do system of Pere Daniel. who dilies my pernament settlement of the Franks on the left bank of the Rhue before Cloves, seems incapable of being supported It is difficult to resist the presumption that arises from the discovery of the tomb and skeleton of Childeric, father of Clovis, at Tournay, in 1653 See Montfaucun, Monumens de la Monarchie Française, tome 1 p 10

feated Syagrius at Soissons. The result of this CHAP of victory was the subjugation of those provinces which had previously been considered as Roman, FRANCE But as their allegiance had not been very strict, so their loss was not very severely felt, since the emperors of Constantinople were not too proud to confer upon Clovis the titlesof consul and patrician, which he was too prudent to refuse \*

Some years after this, Clovis defeated the Alemanni, or Swabians, in a great-battle at Zulpich, near Cologne In consequence of a vow, as it is said, made during this engagement, I and at the instigation of his wife Clotilda, a princess of Burgundy, he became a convert to Christianity would be a fruitless inquiry, whether he was sincere in this change, but it is certain, at least, that no policy could have been more successful Arran sect, which had been early introduced among

496

De theory of Da Bos, v1 start Clayis is a ort of Lounarrathe enjoyee and a gaand the Roman part of the subjects by no other title, for partly se medicateas contro por este d members into the higher to distinct But it may nevertheless he ir c that the connexem between him and the empire, and the empler or Roman magnetracy which he bore, reconciled the conquered to their new masters. This is pullcrously stated by the Duke do No. vernous Vem de l'Icad des Inscript tome xx p 174. In to with century however, the Greeks appear to have been nearly ignorant of Chore's countrymen. Nothing ran be made out of a passage in Procopius, where he seems to range Ar corad to non A.F. a good Acadh es gives a Senior Value of the property the Lagrey whom he expote the the cuttenaty to Roman because with the The Willingsoff, Paulaine miras, - , a - q x + > He sort cal observes perticularly, that in partitions of the language which h of frequently be an made, they had never tiken up arms a samt such other, sor pointed the land with civil bloodshed. One would ilmost believe him from al-

torigory of Tours makes a very rhetero al story of this function yow, which, though we cannot disprove, it may be permitted to suspect -Lac 30

CHAP I the barbarous nations, was predominant, the apparently without intolerance \* in the Bui. FRANCE dian and Visigoth courts, but the elergy of C were strenuously attached to the Catholic and even before his conversion had tayource arms of Clovis. They now became his most lous supporters, and were rewarded by himartful gratitude, and by his descendants with vish mumpheence. Upon the pretence of religi 507 he attacked Alaria, king of the Visigoths, an one great victory near Portiers overthrowing empire in Gaul, reduced them to the mair province of Septimania, a narrow strip of c between the Rhone and the Pyreness The ploits of Clovis were the reduction of certain dependent chiefs of his own tribe and far who were settled in the neighbourhood of Rhine, 1 All these he put to death by fore

> Histobe Linguistic particle at Varsette, temerape. Gib. Força (37 - A specias abise) nught or driver to a the letter of the Coding of nation in Provas well in Gamered Space, to the go it principles of religious tole ritini. These Arian sover ans treated their Catholic subject or may be said, with ten leam is, leaving them in possession of every civil privilege, and were rewarded for it by their defection or sighting But in answer to this, it may be observed. 1 That the system of persecution adopted by the Van-dals in Africa, succeeded no bet ter, the Catholics of that province having risen against them upon the landing of Belisarius 😅 That wi do not know what insults and

discouragement of Certi-Confinel link case have an especially for the Arresti ne that are of largery als the administration of Mor Do done were Paral and raut That the distinct Vancind Catalic was inticontrolled with that of Got Roman, of conqueror and quered so that it is difficult perate the effects of national those of sectaman, anniposity

† Modern historians, in e rating these regula, call one o king of Mans But it is diffi understand how a chieftain pendent of Chivis, could have settled in that part of France fact, Gregory of Tours, on authority, does not say the

CHAP I the barbarous nations, was predominant, the apparently without intolerance \* in the Bur. FRANCE dian and Visigoth courts, but the clergy of C were strenuously attached to the Catholic and even before his conversion had favource arms of Clovis They now became his most lous supporters, and were rewarded by himartful gratitude, and by his descendants with vish munificence. Upon the pretence of relig 507 he attacked Marie, king of the Visigoths, an one great victory near Poitiers overthrowing empire in Gaul, reduced them to the mair province of Septimania, a narrow strip of c between the Rhone and the Pyreness. The ploits of Clovis were the reduction of certain dependent chiefs of his own tribe and far who were settled in the neighbourhood of Rhine, All these he put to death by fore

> Historial Processor of Astron. act Vissotte, temen per la Gib. Foto, e 57 - A specials 2007 in mught or drawn Courtle has y or the Gotha contact is in Provi as well a train oil Spara to the go it principles of religious tole ritini. These Arian sover ans treated their Catholic solpect in may be said, with 6 is being 5, beising them in possession of every civil privilege, and were now infed for it by their defection or sedition But in answer to this, it may be observed 1 That the system of persecution adopted by the Vandals in Africa, succeeded no bet ter, the Catholics of that province having risen against them upon the landing of Belisarius 2. That we do not know what moults and

discurrenced the Cells Confined italy as a naver of especially for the Armylic in that are of largery of the administration of Mor De done were Paral and That the distinct Vian and Catrolic was not connected with that of Got Roman, of conqueror and quered so that it is difficult perate the effects of national those of sectaman, animosity † Modern historians, in e rating these regula, call one o king of Mans But it is diffiunderstand how a chieftain pendent of Clavis, could have

settled in that part of France fact, Gregory of Tours, ou

authority, does not say the

PART I 613

CHAP I again divided among his four sons, and brought together a second time by another Clotaire, the FRANCE grandson of the first - It is a weary and unprofitable task to follow these changes in detail, through scenes of tumult and bloodshed, in which the eye meets with no sunshine, nor can rest upon any interesting spot. At would be difficult, as Gibbon has justly observed, to find any where more vice or less virtue. The names of two queens are distinguished even in that age for the magnitude of their crimes Fredegonde, the wife of Chilpetic, of whose atrocities none have doubted, and Brunehaut, oucen of Austrasia, who has met with advocates in modern times, less, perhaps, from any fair presumptions of her innocence, than from compassion for the cruel death which she underwent \*

698---638Dr fac

But after Dagobert, son of Clotane II, the kings of France dwindled into personal insignificance, and are generally treated by later historians as mseasati, or idiots t. The whole power

Land, the realer may consult Pasquer, Rederates de la France, L car or Vole, Hist de France, ome ton on side, and a dissertation by Gallard, in the Memoirs of the Academy of Inscriptions, tome xxx on the other. The last is unlessurable to Brunehaut, and perfectly satisfactors to my judgment

† An ingenium attempt is mucle by the Abbi Vertot, Mem de I teademie, tome vi to rescue these monarchs from this longestablished imputation. But the leading fact is irresistible, that all

<sup>\*</sup> Every to tory with a Good of ficienticities the Miragan dynamic Parties fine examination of an as they approved to made thorough notion of the extent wickedness of almost every person concerned in them, and consequently of the state to which society was reduced. But then is no advantage in crowding the memory with barburian wars and as sassinutions for the question about Brunehaut's character, who has had partizans almost as enthustastic as those of Mary of Scot

of the kingdom devolved upon the mayors of the CHAP. L palace, originally wheers of the household, through PART L whom petitions or representations were laid be- FRANCE. fore the king. The weakness of sovereigns ren- Maron of dered this office important, and still greater weakness suffered it to become elective, men of energetic talents and ambition united it with military command, and the history of France, for half a century, presents no names more conspicuous than those of Ebroin and Gramoald, mayors of Neustria and Austrasia, the western and eastern divisions of the French monarchy \* These, however, met with violent ends, but a more successful usurper of the royal authority was Pepin Heristal, first mayor, and afterwards duke, of Austrasia, who united with almost an avowed sovereignty over that division, a paramount command over the French, or Neustrian provinces, where nominal kings of the Merovingian family were still permitted to exist. This authority he transmitted to a more renowned hero, his son Charles Martel, who, after some less important exploits, was called upon to encounter a new and terrible enemy. The Saracens, after subjugating

the royal authority was lost during their reans. However, the hest apology seems to be, that after the victories of Pepin Heristal, the Mi rovingian kings were, in effect, conquered, and their metholency was a matter of necessary submissum to a master.

The original kingdoms of Soussous, Paris, and Orleans, were consolidated into that denominated

Neustria, to which Burgundy was senerally appendant, though dustuctiv governed by a mayor of its own election But Aquitaine, the exact bounds of which I do not know, was, from the time of Dagobert I, separated from the rest of the monarchy, under a ducal dynasty, sprung from Aribert, brother of that monarch

732

CHAP I Spain, had penetrated into the very heart of PARI I France Charles Martel gained a complete vic-FRANCE tory over them between Tours and Portiers,\* in which 300,000 Mohammedans are hyperbolically asserted to have fallen The reward of this victory was the province of Septimania, which the Saracens had conquered from the Visigoths [

Change " the royal family, Accession d Peyin

Such powerful subjects were not likely to remain long contented without the crown but the circumstances under which it was transferred from the race of Clovis are connected with one of the most important revolutions in the history of Europe. The mayor Pepin, inheriting his father Charles Martel's talents and ambition, made, in the name and with the consent of the nation, a solemn reference to the pope Zacharias, as to the deposition of Childeric III under whose nominal

752

\* Fours is bore so error gras-distant from Lore 100 Lobo roy med that a virtue to a capacity has been do to a committee place of these root leafe with more precision which a man table since, after so in menso a staughtwe should expect the testimore of grandic of sais os sepuler The General Chiefe Mand has mineriored become colmay justly by it kened many those tew batters of which a contrary event would be a security samed the drama of the world to all its subsequent series, with Marathon, Arbett, the Metinges, Chaluns, and Legen Yet do we not radge a little too much by the event, and follow, as usual, in the wake of fortune? Has not more frequent expenence condemned these who so the fate of contracts upon a small cast, and risk agranorth battle with involves, whose an der pent is in delay? Was not this the ratif error by which Rich e had list his kingdom? We it possible that the Suricens coell have retained any permisacht passes unt of France, except to an one of a victory! And did not the contest upon the broad champagn of Porton afford them a considerable prospect of success, which a more cautious policy would have withheld?

† This conquest was completed by Pepin in 759 The inhabitants preserved their liberties by treaty, and langette deduces from this schoun assurance the privileges of Languedox - Hist de Lang tome 1 p 412

authority he himself was reigning. The decision (HAP L was favourable, that he who possessed the power, PART I should also bear the title of king The unfortil- FRANCE. nate Merovingian was dismissed into a convent, and the Franks, with one consent, raised Pepin to the throne, the founder of a more illustrious dy-In order to judge of the importance of this revolution to the see of Rome, as well as to France, we must turn our eyes upon the affairs of Italy

The dominion of the Ostrogoths was annihilated the tom by the arms of Belisarius and Varses in the sixth century, and that nation appears no more in his-But not long afterwards the Lombards, a people for some time settled in Pannonia, not only subdued that northern part of Italy which has retained their name, but, extending themselves southward, formed the powerful duclies of Spoleto and Benevento. The residence of they kings was in Pavia, but the hereditary vassals, who held those two duchies, might be deemed almost independent sovereigns. The rest of Italy was governed by exarchs, deputed by the Greek empefors, and fixed at Rayenna. In Rome itself, neither the people, nor the bishops, who had already conceived in part their schemes of ambition, were much inclined to endure the superiority of Constantinople, yet then disaffection was counter-

Giannone, and some papers by Cailland in the Memoirs of the to used by Cribbon, c. 45. Sec. Acadimy of Inscriptions, tomes too, the fourth and fifth books of xxxii xxxi xxi

<sup>\*</sup> The history, character and policy of the Lumbards, are well

They redure the cran hab of Ravenna 752

CHAP I balanced by the myeterate hatred, as well as jea-PART I. lousy, with which they regarded the Lombards FRANCE But an impolitic and intemperate persecution, carried on by two or three Greek emperors against a favourite superstition, the worship of images, excited commotions throughout Italy, of which the Lombards took advantage, and easily wrested the exarchate of Ravenna from the eastern empire It was fær from the design of the popes to see their nearest enemies so much aggrandized and any effectual assistance from the emperor Constantine Copronymus would have kept Rome still faithful But having no hope from his arms, and provoked by his obstinate intolerance, the pontiffs had recourse to France,\* and the service they had rendered to Pepin led to reciprocal obligations of the greatest magnitude. At the request of Stephen II the new king of France descended from the Alps. drove the Lombards from their recent conquests, and conferred them upon the pope. This memo-

which Pe pin is con quers, and hestows on the pope.

Charle -TO ALL DI

768

The state of Italy, which had undergone no change for nearly two centuries, was now rapidly verging to a great revolution Under the shadow of a mighty name, the Greek empire had concealed the extent of its decline. That charm was now broken, and the Lombard kingdom, which had

rable donation nearly comprised the modern provinces of Romagna and the March of Ancona 1

There had been some previous. overtures to Charles Martel, as well as to Popin himself, the habitual sagacity of the court of Rome perceiving the growth of

a new western monarchy, which would be, in faith and arms, their surestally Muraton, Ann d'Ital A.D 741 † Grannone, I v c 2

itherto appeared the only competitor in the lists, CHAP. It roved to have lost at sown energy in awaiting the PART I. ccasion for its display. France was far more than FRANCE. match for the power of Italy, even if she had not een guided by the towering ambition and restless ctivity of the son of Pepin It was almost the irst exploit of Charlemagne, after the death of his brother Carloman had reunited the Frankish embire under his dominion,\* to subjugate the king- Hoom dom of Lombardy Neither Pasia nor Verona, its bards most considerable cities, interposed-any material delay to his arms and the chief resistance he encountered was from the dukes of Frudi and Benevento, the latter of whom could never be brought into thorough subjection to the conqueror however, be the cause what it might, seems to have tempted Charlemagne far less than the dark forests of Germany For neither the southern provinces, nor Sicily, could have withstood his power, if it had been steadily directed against them. Even Spain hardly drew so much of his attention, as the part of splendour of the prize might naturally have excited, Span-He gained however a very important accession to his empire by conquering from the Saracens the territory contained between the Pyrenecs and the Ebro. This was formed into the Spanish

\* ( arluman, vounger brother of Charles, took the Austrasian, or German provinces of the empire The custom of partition was so fully established, that those wise and ambitions princes, Charles Martel, Pepin, and Charlemagne

himself, did not venture to thwart the public opinion by introducing primogeniture. Carloman would not long have stood against his brother; who, after his death, usurped the inheritance of his two infant children

CHAP I March, governed by the count of Barcelona, part PARLI of which at least must be considered as apper-FRANCE faining to France till the twelfth century \*

·61

But the most tedious and difficult atchievement and some of Charlemagne was the reduction of the Saxons The wars with this nation, who occupied nearly the modern circles of Westphaha and Lower Saxone, lasted for thirty years. Whenever the conquercy withdrew his armies, or even his person, the Saxons broke into tresh rebellion, which his unparallelled rapidity of movement seldom failed to crush without delay. From such perseverance on either side, destruction of the weaker could alone result. A large colony of Saxons were finally transplanted into Planders and Brabant, countries hitherto ill-peopled, in which their descendants preserved the same unconquerable spirit of resistance to oppression. Many fled to the kingdoms of Scandmavia, and mingling with the North-men, who were just preparing to run their memorable Earcer, revenged upon the children and subjects of Charlemagne the devastation of Saxony remnant embraced Christianity, their aversion to which had been the chief cause of their rebellions. and acknowledged the sovereignty of Charle-

remained to other mark of dependence the separation of the prinequility may be referred to that year. But the rights of the French crown over it were finally ceded by Louis IX in 1258 De Maria, Marca Hispanica, p 514 Art de veriber lea Dates, t ii p 201

<sup>\*</sup> The contact Base now ways a knowledged the feed disciperiority of the baigs of France till some time, after their own talle had been merged in that of kings of Aragon In 1180, legal metra ments executed in Catalogue crassed to be dated by the year of the king of France, and as there certainly

magne, a submission, which even Witikind, the cliar is second Arminius of Germany, after such irresis- PART I tible conviction of her destiny, did not disdain to FRYST But they retained, in the main, their own laws, they were governed by a duke of their own nation, if not of their own election, and for many ages they were distinguished by their original character among the nations of Germany ...

The successes of Charlemagne on the easterns frontier of his empire against the Selavonians of Bohemia, and Huns or Avars of Pannonia, though obtained with less cost, were hardly less eminent In all his wais, the newly conquered nations, or those whom fear had made dependent allies, were employed to subjugate their neighbours, and the meessant waste of fatigue and the sword was supplied by a fresh population that swelled the expanding circle of dominion I do not know that I was the limits of the new western empire are very exactly defined by contemporary writers, nor would it be easy to appreciate the degree of subjection in which the Sclavonian tribes were held organized mass of provinces, regularly governed by imperial officers, it seems to have been nearly bounded, in Germany, by the Elbe, the Saale, the Bohemian mountains, and a line drawn from thence crossing the Danibe above Vienna, and prolonged to the gulph of Istria Part of Dalmatia was comprised in the duchy of Friuli In Italy the empire extended not much beyond the modern frontier of Naples, if we exclude, as was the fact, the duchy of Benevento from any thing more than a

14 Pompagine State of EUROPING DE 7 16 4 5.

CHAP I titular subjection The Spanish boundary, as has PARI I been said already, was the Ehro.\*

IRANCI LIDE BE FIN peror HUN

A seal was put to the glory of Charlemagne, His corona, when Leo III., in the name of the Roman people, placed upon his head the imperial crown father, Pepm, had borne the title of patrician, and he had himself exercised, with that title, a regular sovereignty over Rome t. Money was coined in his name, and an oath of fidelity was taken by the clergy and people. But the appellation of Imperor scened to place his authority over all his subjects on a new footnig. It was full of high and indefinite pretension, tending to overshidow the free election of the Tranks by a fictitious de-

> . I totlow in this the map of Koch, uche Lable er des Re-dutions de l'Inroje to e a That of Vincondy Paris 17 (2) includes the dependent Science Gales, and carries the latest of the enquire to the Oler 1 Grown of P at I. The artists of I. Article of notes Dates extend at no the Real of the would require a bit of contrasticity to kive a brease semanan-

> of the Persons of the low r empire wire posence out femi Constantinople to the provinces Rome had for a been no estimated to their name and power. The subjection of the Romans, hold clerry and lane to Charlemann, as well before is after he bore the imperial name, some to be esta-blished. See Dissertation Historique, par le Blanc, subjected to his Traite des Monnoyes de France. p 18 and St Marc, Abrege Chronologique de l'Histoire de Halie, t i The first of these writers does not allow that Pepin exercised any authority at Rome A

coulded of observity rosts over its internal as crieacid for near hits year. That there is some resson to leave that the nominal seviolighty of the Greek car for was not entirely alreading the Muwas not entirely along ited. ratori. Ann Sol Italia, id om 772 St Minertaph 72 A mosale sure of it in the Later or represents our Saviour giving the key- to St. Peter with on tread, and with the other, a standard to a crowned prince, bearing the inscription Constantine V But Constinuing V did not begin to reign till 780, and if this pice of workmanship was made under I co III, as the authors of L Artide veniller les Dates unagine, it could not be earlier than 795 To p. 2). Muratori, ad inn 798 However this may be there can be no qui stion, that a considerable share of jurisdiction and authority was prictically exercised by the popes during the period. Vid. Murat. ad ann 789

scent from Augustus. A fresh eath of fidelity to CHAP to irm as emperor was demanded from his subjects Histown discretion, however, prevented him from FRANCE affecting those more despotic prerogatives, which the imperial name might still be supposed to convey.

In analyzing the characters of heroes, it is the characters pardly possible to separate altogether the share of fortune from their own. The epoch made by Charlemagne in the history of the world, the illustrious families which prided themselves in him as their progenitor, the very legends of romance, which are full of his fabulous exploits, have east a lustre around his head, and testify the greatness that has embodied itself in his name. None indeed of Charlemagne's wars can be compared with the Saracenic victory of Charles Martel, but that was a contest for freedom, his for conquest, and fame is more partial to successful aggression than to patriotic resistance. As a scholar, his acquisitions were probably little superior to those of hisunrespected son, and in several points of view the glory of Charlemagne might be extenuated by an analytical dissection. But rejecting a mode of judging, equally uncanded and fallacious, we ishall find that he possessed in every thing that grandeur of conception, which distinguishes extraordinary minds. Like Alexander, he seemed

astronomy But the anonymous author of the life of Louis the Debonair attributes most of these accomplishments to that unfortu nate prince

Lymbard attests his reads coquence, his perfect mastery of Jatin, his knowledge of Greek, so far as to read it, his acquisitions in logic, grammar, rhetoric, and

CHAP I. born for universal innovation—in a life restlessly active, we see him reforming the comage, and france. Establishing the legal divisions of money, gathering about him the legal divisions of money, gathering schools and collecting libraries, interfering, but with the tone of a king, in religious controversies, aiming though prematurely, at the formation of a naval force, attempting, for the sake of commerce, the magnificent enterprize of uniting the Rhine and Danube, and meditating to mould the discordant codes of Roman and barbarian laws into an uniform system.

The great qualities of Charlemagne were indeed alloyed by the vices of a barbarian and a conqueror. Nine wives, whom he divorced with very little ceremony, attest the license of his private life, which his temperance and fringality can hardly be said to redeem t. Unsparing of blood, though not constitutionally cruel, and wholly indifferent to the means which his ambition prescribed, he beheaded in one day four thousand Saxons, an act of atrocious butchery, after which his persecuting edicts, pronouncing the pain of death against those who refused baptism, or even who at effesh

<sup>&</sup>quot;See an essay upon this proper in the Memoris of the Valency of Inscriptions, form were. The rivers which were designed to form the links of this pinction, were the Altmuhl, the Regnitz, and the Main, but their want of depth, and the spungness of the soil, appear to present insuperable impediments to its completion.

<sup>1.1</sup> opposite tell that there is no tound does for the charge of an instantion pass on for his daughters, which Voltaire calls use juddens. The error seems to have originated to a min-interpreted passage of Eginhard. These ladies, indeed were far from being models of vistue, and their lives brought scandal upon the royal palace.

during Lent, seem scarcely worthy of notice. This CHAP runion of barbarous ferocity with clevated views of national improvement, might suggest the parallel three of Peter the Great. But the degrading habits and brute violence of the Muscovite place him at an immense distance from the restorer of the empire

A strong sympathy for intellectual excellence was the leading characteristic of Charlemagne, and this undoubtedly biassed him in the chief political error of his conduct, that of encouraging , the power and pretensions of the hierarchy perhaps, his greatest culogy is written in the disgraces of succeeding times, and the miseries of Europe He stands alone like a beacon upon a waste, or a rock in the broad occan. His sceptie was as the bow of Ulysses, which could not be drawn by any weaker hand. In the dark ages of European history, the reign of Charlemagne atfords a solitary resting-place between two long periods of turbulence and ignominy, deriving the advantages of contrast both from that of the preceding dynasty, and of a posterity for whom he had formed an empire which they were unworthy and unequal to maintain \*

Pepin, the eldest son of Charlemagne, died be-tower forchim, leaving a natural son, named Bernard † 814

<sup>\*</sup> The life of Charlemagne, by Gaillard, without being mide perhaps so interesting as it ought to have been, presents an adequate of whoth of his actions and chaacter. Schmidt, first des Allemands, tone it appears to me a superior write.

<sup>†</sup> A contempora v author. The gan, at Murato a, A D + 10, as write that Bernard was been of a conculum. I do not know who modern historians represent at otherwise.

PART I.

417

CHAP I Even if he had been legitimate, the right of representation was not at all established during these FRANCE ages, indeed the general prejudice seems to have inclined against it Bernard therefore, kept only the kingdom of Italy, which had been transferred to his father while Louis, the younger son of Charlemagne, inherited the Empire But, m a short time, Bernard, having attempted a rebellion against les uncle, was sentenced to lose his eyes. which occasioned his death, a cruelty more agreeable to the prevailing tone of manners, than to the character of Louis, who bitterly reproached himsell for the severity he had been persuaded to use

Under this prince, called by the Italians the Pious, and by the French, the Debonair or Goodnatured,\* the mighty structure of his fathers power began rapidly to decay. I do not know that Louis deserves so much contempt as he has undergone; but historians have in general more indulgence for splendid crimes, than for the weaknesses of virtue. There was no defect in Louis 8 understanding or courage the was accomplished in martial excreises, and in all the learning which an education, excellent for that age, could supply No one was ever more anxious to reform the abuses of administration, and whoever compares

lish word debonair is hardly used in the same sense, if indeed it can be called an English word, but I have not altered Louis's appellation, by which he is so will known.

These names, a a French writer observes, meant the sails thing Pine had, even in good Latin, the sense of mite, meek, forbearing, or what the French call debenau Synonymes de Rouband, tom 1 p 257 Our kny-

his capitularies with those of Charlemagne will curve to perceive, that, as a legislator, he was even superior to his father. The fault lay entirely in his travel heart, and this fault was nothing but a temper too soft, and a conscience too strict. It is not won-derful that the empire should have been speedily dissolved a succession of such men as Charles Martel, Pepin and Charlemagne, could alone have preserved its integrity, but the misterfunes of Louis and his people were imflediately owing to the following errors of his conduct.

Soon after his accession, Louis thought fit to be associate his eldest son Lothane to the empire, and to confer the provinces of Bayana and Aquitaine, as subordinate kingdoms upon the two younger, Louis and Pepin. The step was, in appearance, conformable to his father's policy, who had acted towards himself in a similar manner. But such measures are not subject\* to general rules, and exact a careful regard to characters and circumstances. The principle, however, which regulated this division, was learned from Charlemagne I and could alone, it strictly pursued, have given unity and permanence to the empire.

<sup>\*</sup> Schmidt Hist des Allemands tom in his done mere prothan other historius to Louis's Character Vaussette attests the goodness of his government in Aquitaine, which he hild as a subordinate kingdom during his tather's life. It extended from the louis to the Toro so that the trust was not contemptable.

Hist le l'anquetor, tom i p

<sup>†</sup> Chirlemagne had made a prospective arrangement in 400 the conditions of which are nearly the same as these of Louis, but the death of his two elder sons, Charles and Pepin, presented its taking effect. Balux Capitularia, p. 441

FRANCE

CHAP I The elder brother was to preserve his superiority over the others, so that they should neither make peace nor war, nor even give answer to ambas-Upon the death of sadors without his consent either, no further partition was to be made, but whichever of his children might become the popular choice, was to inherit the whole kingdom, under the same superiority of the head of the family.\* "This compact was, from the beginning, dishked by the younger brothers, and an event, upon which Louis does not seem to have calculated, soon disgusted his colleague Löthane. dith of Bayaria, the emperor's second wife, an ambitious woman, bore him a son, by name Charles, whom both parents were naturally anxious to place on an equal footing with his brothers. But this could only be done at the expense of Lothane, who was ill-disposed to see his empire still further dismembered for this child of a second bed passed his life in a struggle with three undutiful sons, who abused his paternal kindness by constant rebellions

> These were rendered more formidable by the concurrence of a different class of enemies, whom it had been another error of the emperor to provoke. Charlemagne had assumed a thorough controll and supremacy over the clergy, and his son was perhaps still more vigilant in chastising their irregularities, and reforming their rules of discipline But to this, which they had been

<sup>\*</sup> Raturn Capituleria, tom 1 p. 375

compelled to bear at the hands of the first, it was CHAP P not equally easy for the second to obtain their PARLI submission Louis therefore diew on himself the frence inveterate enmity of nien, who united with the turbulence of martial nobles, a skill in managing those engines of offence which were peculiar to their order, and to which the infiplicit devotion of his character laid him very open. Yet after many vicissifudes of fortune, and many days of, ignominy, his wishes were eventually accomplished Charles his youngest son sunamed the Bald, ob-Pathon of tained upon his death most part of France, while Germany fell to the share of Louis, and the rest of the imperial dominions with the title, to the imon his eldest, Lothanc This partition was the result of diacloun a sangumary, though short, contest, and it gave a the half fatal blow to the empire of the Franks - For the ticaty of Mersen, in 847, abrogated the sovereignty that had been attached to the eldest brother and to the imperial name in former partitions, each held his respective kingdom as an independent right \*

The subsequent partitions made among the chil- pedia of dren of these brothers are of too rapid succession vingial leto be here related. In about forty years, the mis chalesthe empire was nearly re-united under Charles the Foreign Fat, son of Louis of Germany, but his short and King of inglorious reign ended in his deposition. From Deposed

acquent conduct of the brothers and their family justifies the construction of Velly, which I have followed

Baluzu (apitularia, tom 11 p 42 Velly, tome n p 75 The expressions of this treity are perhaps equivocal, but the sub

FRAMER

Dismon be rare totact this er ja e

Kyssit . 115 -Classia Siradi 19 Back of t 122 Ralph 923 Loa's IV ريوزا Lathaire 954 Lancal Section Constant Paris

CHAP I this time the possession of Italy was confested among her native princes. Germany fell at first to an illegitimate descendant of Charlemagne, and in a short time was entirely lost by his family. two kingdoms, afterwards united were formed by usurpers, out of what was then called Burgundy, and comprized the provinces between the Rhone and the Alps, with Franche Comite and great part of Svitzerland \* In France, the Carlovingian kings continued for another century but their line was interrupted two or three times by the election or usurpation of a powerful family the counts of Paris and Orleans, who ended like the old mayors of the palace in dispersing the phantoms of royalty they had professed to serve l Hugh Capet the representative of this house upon the death of Louis V placed hunself upon the throne, thus founding the third and most per manent race of French sovereigns. Before this

These level as were of tr munted Process and Lanparameter by the first of very scall comprises can part of Swith that but it so our tevenign Bod by a Honey and bureauty almost the value of the former and the Control Science called the kirgle in thaties the Listed from the to 10% when Rodolph III be poulded by de-manions to the Durgeror Conrad II -Art de vertier es Dates,

tom in p. 427-472 † The family of Capet is generally admitted to persess the most ancient pedigree of any source in line in Larrope. Its succession through males is unequiverilly

de Juce I from Rober (I) rale go emor of Amount of 4 and father of Left Sam of Transe, and of Rear who was classin by a porty in 902, though, is the tries release statueki oblazed in one province, it innortan whether he ought to to counted in the reval let. It e moreover, laguly probable that Boton do Briton as descended, equally through males, from St Ainord, who died in 64c, and consequently nearly allied to the Carlovingian tamily, who derive their pedigree from the same head - Nie Preuves de la Centralogie de Hughes Capet, in l'Art de surifier les Dates, tom 1 p. 50%

happened, the descendants of Charlemagne had CHAP & sunk into insignificance, and retained little more EVRLI of France than the city of Laon . The rest of the FRANCE kingdom had been seized by the powerful nobles, who, with the nominal fidelity of the feudal system, maintained its practical independence and rebellious spirit

These were times of great misery to the acople, some offiand the worst, perhaps, that Europe has ever proper Even under Charlemagne, we have abundant proofs of the calamities which the people The light which shone around him, was that of a consuming fire The free proprietors, who had once considered themselves as only called upon to resist foreign invasion, were harassed with endless expeditions, and dragged away to

of them, as we learn from his Capitularies, beclesiastics to avoid infiltary conscription \* rar worse must have been then state under the lax government of succeeding times, when the dukes and counts, no longer checked by the vigorous administration of Charlemagne, were at

Baltie sea or the banks of the Drave

ten ve NB I quote by this the to greate declared brench hetorius clarers and after docurrent that the cost the middle the more commonly known by the name of its first relator, the Benedictine Bougher several learned men or that order were successively concerned to this work, not one half of which has yet been published, it seemed better to follow its own title-page.

Capitaliria AD (c. Wro-cyc possessed throughout) alodial property, was called sponfor personal service, or at heist to turnen a substitute. Nigellas, author of a poetical Life of Lords I seems to implicate Charlemagne himself in some of the oppressions of his reign. It was the first care of the former to redress those who had been injured in his father s time - Recueil des Historicus,

PARTI

OHAP I liberty to play the tyrants in their several territories, of which they now became almost the TRANCE Sovereigns The poorer landholders accordingly were forced to how their necks to the voke, and either by compulsion, or through hope of being better protected, submitted their independent patrimonies to the feudal tenure.

But axils still more terrible than these political abuses were the lot of those nations who had been subject to Charlemagne. They indeed may appear to us little better than ferocious barbarians but they were exposed to the assaults of tribes, in comparison of whom they must be deemed humane and polished. Each frontier of the empire had to dread the attack of an enemy. The coasts of Italy were continually alarmed by the Saracens of Africa, who possessed themselves of Sicily and Sardinia, and became masters of the Mediterranean sea \* . Though the Greek dominions in the south of Italy were chiefly exposed to them, they twice insulted and rayaged the territory of Rome, nor was there any security even in the neighbourhood of the maritime Alps, where, early in the tenth century, they settled a piratical colony I

The Hanks 1137.4

Much more formedable were the foes by whom

The Sara-LUIS

510

F 19

<sup>\*</sup> Lore Atom Samon belongers of the remote and nesty that is not at I for for the whole of the midth century, after throwing off the volo of the Abbassit Khalifs They was overthrown themselves in the next ize by the latinities. Sicily was first meaded in 827 but the city

or Syricuse was only reduced in

<sup>- †</sup> Murcon, Annali d'Italia, ad ing two et dibi. These Saratens of Frassmeto, supposed to be between New and Monaco, were extirpated by a count of Provence ui 972

Germany was assailed. The Sclavonians, a widely CHAP I. extended people, whose language is still spoken PARLI upon half the surface of Europe, had occupied the ERYSTL countries of Bohemia, Poland, and Pannonia,\* on the eastern confines of the empire, and from the time of Charlemagne acknowledged its superiority But at the end of the ninth century, a Tartarian tribe, the Hungarians, overspreading that country which since has borne their name, and moving forward like a vast wave, brought a dreadful reverse upon Germany Their numbers were great, then terocity untained. They fought with light cavalry and light armour, trusting to their showers of arrows, against which the swords and lances of the European armies could not avail. The memory of Attila was renewed in the devastations of these savages, who, if they were not his compamots, resembled them both in their countenances All Italy, all Germana, and the and customs source Trance, felt this scourge, t till Hemy the 2 Otho the Great, drove them back by su cessive actories within their own limits, where,

wind to Pope John X assert that and a commutately states. one is a great number, were left and - Hist de Linearder, torre a perc. Prespend and into tanenne, as late as 9-1 — I lodo– ali Chromeoa in Recivil des Historicus, tome via In Italy, they in-jured such terror, that a mass was composed expressly doprocating this cilamity. Ab Unitarorum nos defenéss jaculis! In 947 they risined the country as lar as Benevento and Capua Muratori, Ann d Italia.

<sup>\*</sup> I sa sarable of the record cled of any home of clear to in a more grown group opto-Oil Taives century for a filmore extends. Action cold onvey a superfect decelor to be Austran dominacus coul Front le term d without a tremendous dris-Ch chism

<sup>†</sup> In 924, they over m. Laterie Raymond-Pons, count of Toulowse, cut their army to pieces. but they had previously commuted such rayings, that the lashops of that province, writing soon after-

CHAP I. in a short time, they learned peaceful arts, adopted PART I the religion and followed the policy of Christen-

The Nor-

If any enemies could be more destructive than these Hungarians, they were the pirates of the north, known commonly by the name of Normans. The love of a predatory life seems to have attracted adventurers of different nations to the Scandinavian seas, from whence they injested, not only by maritime piracy, but continual invasions, the northern coasts both of France and Germany. The causes of their sudden appearance are mexpheable, or at least could only be sought in the ancient traditions of Scandinavia For, undoubtedly, the coasts of France and England were as little protected from depredations under the Merovingian kings, and those of the Heptarchy, as in subsequent times Act only one instance of an attack from this side is recorded, and that before the middle of the sixth century,\* till the age of In 787, the Danes, as we call Charlemagne | those northern plunderers, began to miest England, which lay most immediately open to their memsions Soon afterwards they ravaged the coasts of France Charlemagne repulsed them by means of his fleets, yet they pillaged a few places during his reign. It is said that, perceiving one day, from a port in the Mediterranean, some Norman vessels which had penetrated into that sea, he shed tears, in anticipation of the miseries which

<sup>\*</sup> Greg Turon 1 m c 3

awaited his empire \* In Louis's reign, their de- CHAP L. predations upon the coasts were more incessant.) PART I but they did not penetrate into the inland country, FRANCE till that of Charles the Bald The wars between that prince and his family, which exhausted France of her noblest blood, the insubordination of the provincial governors, even the instigation of some of Charles's enemics, laid all open to their inroads They adopted an uniform plan of warfare both in France and England, sailing up navigable rivers in their vessels of small burthen, and fortifying the islands which they occasionally found, they made these intrenchments at once an asylum for their women and children, a repository for their plunder, and a place of retreat from superior force pillaging a town they retired to these strong holds or to then ships, and it was not till \$72 that they ventured to keep possession of Angers, which, however, they were compelled to evacuate teen years afterwards, they laid siege to Paris, and committed the most runious devastations on the As these Normans were neighborring country unchecked by religious awe, the rich monasteries,

In the north certain the voman parties in the even of the Baleiro lists and concertaints of the Machineron on but core forces. De Marca, Marca Marca and the series of the the

Hispanica, p. 727

+ Nigellus - the profited Prographer of Fours, grees me following description of the Normans

Next quoque Francisco da untur nomia manni. Velocos, aciles, armigerique

BIRRIS .

The quality popular late permo-

Time of the squeen mechtropic cure Public adox for evaluaçõesta-

toque decorus +1 is

He see on to rea us trait they
worship ped Neptum - Was it a
similarity of nane, or or atcabutes,

that decement him?

CHAP I which had stood harmless amidst the bayne of PART I Christian war, were overwhelmed in the storm. FRANCE. Perhaps they may have endured some irrecoverable losses of ancient learning, but their complaints are of monuments distigured, bones of saints and kings dispersed, treasures carried away. St Denis redeemed its abbot from captivity with six hundred and eighty-five pounds of gold All the chief abbies were stripped about the same time, either by the enemy or for contributions to the public So impoverished was the kingdom, necessity that in 860 Charles the Bald had great difficulty in collecting three thousand pounds of silver, to subsidize a body of Normans against their countrynien. The kings of France, too feeble to prevent or repel these invaders, had recourse to the palliative of buying peace at their hands, or rather precarious armistices, to which reviving thirst of plunder soon put an end. At length Charles the Simple, in 91%, ceded a great province, which they had already partly occupied, partly rendered desolate, and which has derived from them the name of Normandy Ignomimous as this appears, it proved no impolitic step. Rollo, the Norman chief, with all his subjects, became Christians and Frenchmen, and the kingdom was at once relieved from a terrible enemy, and strengthened by a race of hardy colonists \*

An exceedingly good sketch of these Norman meuroons, and of the political situation of France during that period, may be found

in two Memoirs by M Ronamy, Mrm de l'Acad des Inscript tome xv and xvn | These I have chiefly followed in the text.

Theraccession of Hugh Capet had not the im- CHAP I . mediate effect of restoring the royal authority PARLI over France. His own very extensive hef was tranch now indeed united to the crown; but a few great make get vassals occupied the remainder of the kingdom Six of these obtained, at a subsequent time, the Sixtor exclusive appellation of peers of France, the count there is of Flanders, whose fiet stretched from the Scholdt to the Somme, the count of Champagne, the duke of Normandy, to whom Britany shd homage, the duke of Burgundy, on whom the count of Nivernois seems to have depended, the duke of Aguitame, whose territory, though less than the ancient kingdom of that name, comprchended Poitou, Limousin, and most of Guienne, with the feudal superiority over the Angoumois, and some other central districts, and, lastly, the count of Toulouse, who possessed Languedoc, with the small countries of Quercy and Rouergue, and the supemonty over Auvergne \* Besides these six, the duke of Gascony, not long afterwards united with\* Aguitaine, the counts of Anjou, Ponthieu, and Vermandors, the viscount of Bourges, the lords of Bourbon and Coney with one or two other vassals, held immediately of the last Carlovingian kings † This was the aristociacy, of which Hugh

(run mu It is very difficult to follow the history of these fiefs t The rem back of vissals, in times so morent, is open to much controversy. I have followed the authority of those industrious Benedictines, the editors of l'Art de verifier le . Date «

Auverage changed its tental superior twice. It had been subject to the duke of Aquitame till about the middle of the tenth century The counts of loulouse then got possession of it, but early in the twelfth century, the counts of Ausergne again did homige to

· CHAP I. Capet usurped the direction, for the suffrage of PART I no general assembly gave a sanction to his title FRANCE On the death of Louis V he took advantage of the absence of Charles duke of Lorraine, who, as the deceased king's uncle, was nearest heir, and procured his own consecration at Rheims he was by no means acknowledged in the kingdom. but his contest with Charles proving specessful, the ellict vassals ultimately gave at least a facit consent to the usurpation, and permitted the royal name to descend undisputed upon his posterity \* But this was almost the sole attribute of sovereignty which the first kings of the third dynasty enjoyed. For a long period before and after the accession of that family, France has properly speaking no national history. The character or fortune of those who were called its kings, were little more important to the majority of the nation than those of foreign princes. Undoubtedly, the

degree of influence which they exercised with Robertson respect to the vassals of the crown varied accord-

Read, two bings of France, who were not of the Carlos ugran fanals over even hostated about Lone IV and Lothaire, who had an horedinary right. Idem. These proofs of Hugh Capet's

ust righton soom not to be matereally my ibilated by a dissertation in the both volume of the Acadomy of Inscriptions, p. 553. It is not, of course to be densed, that the northern parts of I mace acquiesced in his assumption of the royal title, if they that not give an express consent to it.

<sup>\*</sup> The scath of Trinoc not only took to part it High? co atom, but long robot to past how mobedience, or refer to reknow helps in title, to obtain a west helps in title, to obtain a west wholly out of the question. The style of charter can be seen as to define kings to one, The received scan expectants or, absence registering in the forced Centering to submit about 990. But in Linocism they continued to acknowledge the sees of Charles of Lorrane till 1909. Variette, High de Lang to p. 120–150. Before this, Toulous, had refused to recognize Ludes and

ing to their power and their proximity. Over CHAP I Guienne and Toulouse, the four first Capets had I'ART I very little authority, nor do they seem to have entire ever received assistance from them either in civil hor t or national wars \* With provinces nearer to their Philip I own domains, such as Normandy and Flanders. they were frequently engaged in alliance or hostility; but each seemed rather to proceed from the policy of independent states, than from the yelation of a sovereign towards his subjects.

It should be remembered that when the nets of Paris and Orleans are said to have been re-imited by Hugh Capet to the crown, little more is understood than the feudal superiority over the vassals of these provinces. As the kingdom of Charlemagne's posterity was split into a number of great fiels, so each of these contained many barons, possessing exclusive immunities within their own territories, waging war at their pleasure, administering justice to their military tenants and other

Henr A. A.D. 1420, meanmond Long. red out of the reof troy to a Compagne the Isle of Ermer, the Osleanne's, and observation of the Lore Veny time and Yearthis was consideration of the ban-Beyon connected Long exequentiar, my fat. I somewhate as the report of Pump August's in clist of the knightsham rets of Limer though those of Britans, Londors Champount, and Burgan Iv, brades the royal denuns, are enumerated, no meation is read of the pro-vinces beyond the Foire. Du Chesne, Script Rerum Gallica rum, t v p 262

<sup>\*</sup> The cond-torned its authority for supporing that the provinces south of the Lord contribute lithear issistance to the king in Air valless the following passage of Cottol of-mus Protaviensia by considered as matter of fact, and not refer as a thetoroid flourish. The fells a that a vist army was collected by Henry Lagran (the Duke et Normandy Burgundian, tryini ac atque Vascomani properate videos horribiles terro, immo vires tu ti regai quantum in climati quitteor mundi patent cuncta- Requeil des Historiens, tai p.83 But we have the roll of the army which Long VI led against the Emperor

Louis LT 1108

, CHAP I subjects, and free from all controll beyond the conditions of the feudal compact.\* At the acces-FRANCI Sion of Louis VI in 1108, the cities of Paris. Orleans, and Bourges, with the immediately adjacent districts, formed the most considerable portion of the royal domain. A number of petty barons, with their fortified castles, intercepted the communication between these, and waged war against, the king almost under the walls of his capital. It costs Louis a great deal of trouble to reduce the fords of Montlehery, and other places Under this prince, within a few miles of Paris however, who had more activity than his predecessors, the royal authority considerably revived From his reign we may date the systematic rivalry of the French and English monarchies ties had several times occurred between Philip I and the two Williams, but the wars that began under Louis VI lasted, with no long interruption, for three centuries and a half, and form indeed the 'most leading feature of French history during the middle ages t. Of all the royal vassals, the dukes of Normandy were the proudest and most powerful. Though they had submitted to do homage. they could not forget that they came in originally by force, and that in real strength they were fully equal to their sovereign. Nor had the conquest

In a solvegment chapter. I shall illustrate, at much greater length, the circumstence of the I reach monarchy with it jost to its fendal vassals. It would be

in or, one at to anticipate the subport at present, which is rather of clegid than narrative character t Velly, tag p 1)

of England any tendency to diminish their pre- CHAP I. tensions.\* PART I

Louis VII. ascended the throne with better IRANCE prospects than his father He had married Eleanor, 1995 VII herress of the great duchy of Guienne But this union, which promised an immense accession of strength to the crown was rendered unhappy by the levities of that princess Repudiated by Louis, who felt rather as a husband than a king, Eleanor immediately married Henry II, of England, who already inheriting Normandy from his mother, and Anjou from his father, became possessed of more than one half of Trance, and an overmatch for Louis, even if the great vassals of the crown had been always ready to maintain its supremacy. One might venture perhaps to conjecture that the sceptre of France would eventually have passed from the Capets to the Plantagenets, if the vexatious quarrel with Becket at one time, and the successive rebellions fomented by Louis at a later period, had not embarrassed the" 1 2) cat talents and ambitious spirit of Henry

But the scene quite changed when Philip Au- Philip Augustus, son of Louis VII came upon the stage. No prince comparable to him in systematic ambition and military enterprize had reigned in France since Charlemagne From his reign the

1180

<sup>\*</sup> The Norman historius maintun, that their dukes did not owe any service to the king of I rune, but only simple homage, or, as it was called, per paragrum. Recual des Historicies, toxa part p

<sup>161</sup> Hex certainly acted upon this principle in I the manner in which they first came into the country is not very consistent with dependence

PART I

Normandy

12031

CHAP I French monarchy dates the recovery of its lustre He wrested from the count of Flanders the Ver-FRANCE mandors, that part of Picardy which borders on the Isle of France and Champagne,\*) and subsequently, the county of Artors. But the most important conquests of Philip were obtained Even Richard I. against the kings of England with all his provess, lost ground in struggling Completed against an adversary, not less active, and more politic than himself. But when John not only took possession of his brother's dominions, but confirmed his usurpation by the murder, as was very probably surmised, of the hen, Philip, artfully taking advantage of the general indignation, summoned him as his vassal to the court of his peers John demanded a safe-conduct Willingly, said Philip, let him come unmolested return ! inquired the English envoy If the judgment of his peers permit him, replied the By all the saints of France, he exclaimed, when further pressed, he shall not return unless acquitted. The bishop of Ely still remonstrated, that the duke of Normandy could not come without the king of England, nor would the

barons of that country permit their sovereign to

that, my lord bishop' cried Philip. It is well

run the risk of death or imprisonment

. The one mid counts of Vermandors were descended from Bernard king of Italy, cranlers of Charlemagne but their help resest by the donation of Isale I, the last

countess, to her husband the our

of Itanders, after her death in 11: . The principal towns of the Vermindors are St Quentum and Percent. Art de verifier les Dates, t n p 700

known that my vassal the duke of Normandy CHAP f acquired England by force. But if a subject FART I obtains any accession of dignity, shall his para- FRANCE mount lord therefore lose his rights /\*

It may be doubted, whether, in thus citing John before his court, the king of France did not stretch his feudal sovereignty beyond its acknowledged Arthur was certainly no immediate vassal of the crown for Britany, and though he had done homage to Philip for Anjou and Maine, yet a subsequent treaty had abrogated las myestiture, and confirmed his uncle in the possession of those provinces I. But the vigour of Philip, and the meanness of his adversary, cost a shade over all that might be novel or irregular in these proceedings. John, not appearing at his summons was declared guilty of felony, and his fiel's confiscated. The execution of this sentence was not entrusted to a dilatory aim . Philip poured his troops into Normandy, and took town after town, while the king of England, infatuated by his own wickedness and cowardice, made hardly an attempt at delence In two years Normandy, Maine, and Anjou were nrecoverably lost and Gmenne resisted longer—but the conquest of the first was completed by Louis VIII successor teas VIII of Philip, and the subjection of the second seemed 1223 drawing near, when the arms of Louis were

<sup>\*</sup> Mat. Paris, p. 23 - or t. 10.94 - Observation - sur t. The illegality of Plump's pro- Francis, I in a co-codings is well argued by Midds. Observation survillatore de

PART I.
FRANCE.
Aflairs of I inquision

CHAP I diverted to, different, but scarcely less advan-PART L tageous objects

The country of Languedoc, subject to the counts of Toulouse, had been unconnected, beyond any other part of France, with the kings of the house of Capet Louis VII having married his sister to the reigning count, and travelled himself through the country, began to exercise some degree of authority, chiefly in confirming the rights of ecclesiastical bodies who were vain perhaps of this additional sanction to the privileges which they already possessed.\* But the remoteness of their situation, with a difference in language and legal usages, still kept the people of this province apart from those of the north of France.

About the middle of the twelfth century, certain religious opinions, which it is not easy, nor, for our present purpose, material to define, but, upon every supposition, exceedingly adverse to those of the church, I began to spread over Languedoc

sent in a very numerous national is enable, at the conomities of Philip I.— (Id p. 2000). I do not recollect to have ever met with the name of the count of Toutous (1.4) subscribing witness to the charters of the inset quetan kings in the Recould des Historians, when many are published, though that of the links of Cananae sometimes occurs.

† For the real tenets of the Linguisdorian secturies, I refer to the last chapter of the present work, where the subject will be taken up again.

According to the Renede tralastorines, Vich and Varisery there is no trace of the act of soveregaty exerced by the kinas of France in Foguedo Como (c) when Leddam confirmed vel urter of his perfects or Rooth, an favour of the basheye of Pay, till the roam of Four-VII effect de Languardon, tome if p (20). Theshave published however an instrument of Lour-VII in twom either same church, confirming those of former princes (Appendix), 137 (a).

Those who imbibed them have bornesthe name of CHAP f Albigeois, though they were in no degree peculiar PARI I to the district of Albi. In despite of much preach- infoce ing and some persecution, these errors made a continual progress, till Innocent III, in 1198, dispatched commissaries, the seed of the inquisition, with ample powers both to investigate and to chas-Raymond VI, count of Toulouse, whether inclined towards the innovators, as warthen the theme of reproach, or, as is more probable, disgusted with the insolent interference of the pope and his missionaries, provoked them to pronounce a sentence of excommunication against him. Though this was taken off, he was still suspected, and upon the assassmation of one of the inquisitors, m which Raymond had no concern, Innocent pubhshed a crusade both against the count and his subjects, calling upon the king of France, and the nobility of that kingdom, to take up the cross, with all the indulgences usually held out as allurements to religious warfare. Though Philip would not interfere, a prodigious number of knights undertook this enterprize, led partly by coclesiastics, and partly by some of the first barons in France was prosecuted with every atrocious barbarity which superstition, the mother of crimes, could inspire Languedoc, a country, for that age, flourishing and civilized, was laid waste by these desolators, her cities burned, her inhabitants swept away by fire and the sword. And this was to punish a fanaticism ten thousand times more innocent than their own, and errors, which, accord-

1208

PART I ~ FRINCE

CHAP I ing to the worst imputations, left the laws of humanity and the peace of social life unimpaired.\*

( 174 174 az sertin Arbeiron

[220]

The crusaders were commanded by Simon de Montfort, a man, like Cromwell, whose intrepidity, hypocusy and ambition, marked him for the hero of a holy war. The energy of such a mind, at the head of an army of enthusiastic warriots, may well account for successes which then appliated miraculous But Montfort was cut off before he could realize his ultimate object, an independent principality, and Raymond was able to bequeath the inheritance of his ancestors to his Rome, however, was not yet appeased: upon some new pretence, she raised up a still more formudable enemy against the younger Raymond Louis VIII suffered himself to be diverted from the conquest of Gmenne, to take the cross against the supposed patron of heresy.—After a short and successful war, Loyis dying prematurely, left the crown of France to a son only twelve years old But the count of Toulouse was still pursued, till, hopeless of salety in so unequal a struggle, he concluded a treaty upon very hard terms this he ceded the greater part of Languedoc, and giving his daughter in marriage to Alphonso,

brother of Louis IX, confirmed to them, and to

1229

who believe the crus elers, answered the majors, loss the Catholics were to be distinguished from heretics Kill them all ' God mall know his oun Besieles Vaissette, see Sis mondi, Litterature du Madi, ( ) p 201.

<sup>•</sup> The Albacterian wir commenced with the sterning of Be-Aires, and a massure, wherein 1 ,000 persons, or, according to some narritons, because were jut to the sword. Not a living soul excuped as withesass esam u-It was here that a t istertian monk,

the king in failure of their descendants, the rever- CHAP I. sion of the rest, in exclusion of any other children PART I whom he might have Thus fell the ancient house PRINCE of Toulouse, through one of those strange combinations of fortune, which thwart the natural course of human prosperity, and disappoint the plans of wise policy, and beneficent government \*

The rapid progress of royal power under Philip Louis IX Augustus and his son had scarcely given the great vassals time to reflect upon the change which it produced in their situation The crown, with which some might singly have measured their forces, was now an equipoise to their united And such an union was haid to be accomplished among men not always very sagacious in policy, and divided by separate interests and They were not, however, insensible to the custs of their feudal liberties, and the mmonity of Louis IX guided only by his mother, the regent Blanche of Castile, seemed to offer a tayourable opportunity for recovering their former Some of the most considerable barons. the counts of Britany, Champagne, and la Marche, had, during the time of Louis VIII, shewn an unwillingness to push the count of Toulouse too far, if they did not even keep up a secret understanding with him. They now broke out into

The best account of this crusule against the Albigeous is to be found in the third volume of Vussette's History of Languedoc the Benedictine spirit of mildness

and vericity tolerably counterba-Lineing the projudices of orthodoxy Velly, Hist de France t in has almdaed the work

afford them that aid from England, which, if his

CHAP I open rebellion, but the address of Blanche de-PART I tached some from the league, and her firmness subdued the rest. For the first fifteen years of Louis's reign, the struggle was frequently renewed full repeated humiliations convinced the retractory, that the throne was no longer to be shaken A prince so feeble as Henry III was unable to

> grandfäther or son had then reigned, nught probably have lengthened these civil wars

His cha ruter Its exict lencis

But Louis IX had methods of preserving his ascendancy very different from military prowess That excellent prince was perhaps the most eminent pattern of unswerving probity, and Christian strictness of consenence, that ever held the sceptre in any country There is a peculiar beauty in the reign of St. Louis, because it shows the inestimable benefit which a virtuous king may confer on his people, without possessing any distinguished ge-For nearly half a century that he governed France, there is not the smallest want of moderation or disinterestedness in his actions, and yet he raised the influence of the monarchy to a much higher point than the most ambitious of his pre-To the surprize of his own and later times, he restored great part of his conquests to Henry III, whom he might naturally hope to have expelled from France It would indeed have been a techons work to conquer Gmenne, which was full of strong places, and the subjugation of such a province might have alarmed the other But it is the privilege only vassals of his crown

1259

of virtuous minds to perceive that wisdom resides CHAP 1 in moderate counsels no sagacity ever taught a PARLE selfish and ambitions sovereign to forego the sweet- FRANCE ness of immediate power. An ordinary king, in the circumstances of the French monarchy, would have fomented, or, at least, have rejoiced in the dissensions which broke out among the principal vassals. Louis constantly employed himself to reconcile them. In this too his benevolates had all the effects of far-sighted policy. It had been the practice of his three last predecessors to interpose their mediation in behalf of the less powerful classes, the elergy, the interior nobility, and the mhabitants of chartered towns. Thus the supremacy of the crown became a familiar idea, but the perfect integrity of St. Louis wore away all distrust, and accustomed even the most realous feudataries to look upon him as then judge and legislator. And as the royal authority was hithertoshown only in its most anniable prerogatives, the dispensation of favour, and the redress of wrong, tow were watchful enough to remark the transition of the French constitution from a feudal league to an absolute monarchy

It was perhaps fortunate for the display of St Louis's virtues, that the throne had already been strengthened by the less innocent exertions of Philip Augustus and Louis VIII. A century earlier, his mild and scrupulous character, unsustained by great actual power, might not have inspired sufficient awe. But the crown was now grown so formidable, and Louis was so eminent

\*CHAP I for his firmness and bravery, qualities, without which every other virtue would have been ineffec-FRENCE fual, that no one thought it safe to run wantonly into rebellion, while his disinterested administration gave no one a pretext for it latter part of his reign was altogether tranquil, and employed in watching over the public peace. and the security of travellers, administering justice personally, or by the best counsellors, and compiling that code of feudal custems, called the Establishments of St. Louis, which is the first monument of legislation, after the accession of the house of Capet Not satisfied with the justice of his own conduct. Louis aimed at that act of virtue. which is raicly practised by private men, and had perhaps no example among kings, restitution Commissaries were appointed to inquire what possessions had been unjustly annexed to the royal domain during the two last reigns. These were restored to the proprietors, or where length of time had made it difficult to ascertain the claimant. then value was distributed among the poor.\*

and detect

It has been hinted already that all this excellence of heart in Louis IX was not attended with that strength of understanding, which is necessary, we must allow, to complete the uscfulness of a sovereign. During his minority, Blanche of Cas-

work Joinville is a real witness, on whom, when we listen, it is impossible not to rely -Collection des Memoires relatifs a l'Histoire de France, tom 11 p 140-156

Velly, tom v p 150 This historian has very properly dwelt for almost a volume on St. Louis a internal administration, it is one of the most valuable parts of his

tile, his mother, had filled the office of regent with CHAP I great courage and firmness. But after he grew up to manhood, her influence scenis to have passed reason the limit which gratifude and piety would have assigned to it, and, as her temper was not very meek or popular, exposed the king to some degree of contempt. He submitted even to be restrained from the society of his wife Margaret, daughter of Raymond count of Provence, a princess of great virtue and conjugal affection. Joinville relates a curious story, characteristic of Blanche's arbitrary conduct, and sufficiently derogatory to Louis.

But the principal weakness of this king, which almost effaced all the good effects of his virtues, was superstition. It would be idle to sincer at those habits of abstemiousness and mortification, which were part of the religion of his age, and, at the worst, were only injurious to his own comfort. But he had other prejudices, which, though they may be forgiven, must never be defended. No one was ever more impressed than St. Louis, with a belief in the duty of exterminating all enemies to his own faith. With these, he thought no layman ought to risk himself in the perilous ways of reasoning, but to make answer with his sword as stoutly as a strong arm and a hery zeal could carry that argument. Though,

<sup>\*</sup> Collection des Memoires, tom i p. 241

<sup>†</sup> Aussi vous dis je, me dist le roy, que nul, si n'est grant clere, et theologien parfait, in doit disputer aux Justs, mais doit l'oinme

hy quantil of meshre de la foy thretienne, defendre la chose, non jas sculement des paroles, mais à bonne espectranchant, et un frapper les medisans et mesercans à travers le corps, tant qu'elle y

PIRTI

CHAP I, fortunately for his fame, the persecution against the Albigeois, which had been the disgrace of his FRANCE fathers short reign, was at an end before he reached manhood, he suffered an hypocritical monk to establish a tribunal at Paris for the suppression of heresy, where many innocent persons suffered death

> But no events in Louis's life were more memorably than his two crusades, which lead us to look back on the nature and circumstances of that most singular phenomenon in European history Though the crusades involved all the western nations of Europe, without belonging peculiarly to any one, yet as France was more distinguished than the rest in most of those enterprizes, I shall introduce the subject as a sort of digression from the main course of French history

The Cru Sach 6

Even before the violation of Palestine by the Saracen sems, it had been a prevailing custom among the Christians of Europe to visit those \*scenes rendered interesting by religion, partly through delight in the effects of local association partly in obedience to the prejudices or commands of superstition. These pilgrimages became more frequent in later times, in spite, perhaps in consequence, of the danger and hardships which at-

ponitra entre i lone que, in Colbetion des Memoires, tem 1 p. 2 . This passage, which shows a tide-rable degree of bisorry, del not require to be strained farther still by Mosheum, vol. m. p. 275, cedif. 1803). I may observe by the way.

that this writer who sees nothing in Louis IX except his intolerance, ought not to have charge I hun with resume an educt in favour of the impusition, in 1220, when he had not issumed the government.

tended them. For a while the Mohammedan CHAP I possessors of Jerusalem permitted or even encon- PARCI laged a devotion which they found lucrative, but priver this was interrupted, whenever the ferocious insolence with which they regarded all infidels got the better of their rapacity. During the eleventh century, when, from increasing superstition, and some particular fancies, the pilgrims were more numerous than ever, a change took place in the government of Palestine, which was over-run by the Turkish hordes from the north . These barbarrans treated the visitors of Jerusalem with still greater contumely, mingling with their Mohammedan bigotiv, a consciousness of strength and courage, and a scorn of the Christians, whom they knew only by the debased natives of Greece and Syria, or by these humble and defenceless palmers. When such insults became known throughout Europe, they excited a keen sensation of resentment among nations equally courageous and deyout, which, though wanting as yet any definite. means of satisfying itself, was tipe for whatever favourable conjuncture might arise

Twenty years before the first crusade, Gregory VII. had properted the scheme of embodying Europe in arms against Asia, a scheme worthy of his daring mind, and which, perhaps, was never forgotten by Urban II who in every thing loved to imitate his great predecessor.\* This design of

<sup>\*</sup> Gregory addressed, in 1074, informing upon them the duty of a sort of encyclic letter to all who would defend the Christian fifth, cens, who had almost come up to

CHAP I Gregory was founded upon the supplication of the Greek-Emperor Michael, which was renewed FRAME 'by Alexus Commenus to Urban with increased importunity. The Turks had now taken Nice. and threatened, from the opposite shore, the very walls of Constantinople - Every one knows whose hand held a torch to that inflammable mass of enthusiasm that pervaded Europe, the hermit of Picards, who, roused by witnessed wrongs and imagined visions, journeyed from land to land, the apostle of an holy war. The preaching of Peter was powerfully seconded by Urban In the coun-1095 cils of Piacenza and of Clermont, the deliver ince of Jerusalem was eloquently recommended and exultingly undertaken. It is the will of God! was the tumultuous cry that broke from the heart and lips of the assembly at Clermont, and these words afford at once the most obvious and most certain explanation of the leading principle of the crusades Later writers, incapable of sympathizing with the blind fervour of zeal, or anxious to find a pretext for its effect somewhat more congenial to the spirit of our times, have sought political reasons for that which resulted only from predomi-No suggestion of these will, I nant affections believe, be found in contemporary historians. rescue the Greek empire from its imminent peril,

> the walls of Constantinople No. p. 44. St. Marc, Abrege Chron d montion of Palestine is made in 1 His) de l'Italie, t. in. p. 614. this letter - Labbe Concilia, t. x.

and thus to secure Christendom from enemies who professed towards it eternal hostility, might have been a legitimate and magnanimous ground of CHAP I interference, but it operated scarcely, or not at all, upon those who took the cross. Indeed it argues strange ignorance of the eleventh century to ascribe such refinements of later times even to the princes of that age. The Turks were no doubt repelled from the neighbourhood of Constantinoph by the crusaders, but this was a collateral effect of their enterprize. Nor had they any disposition to serve the interest of the Greeks, whom they soon came to hate, and not entirely without provocation, with almost as much animosity as the Moslems themselves.

Every means was used to excite an epidemical frenzy, the remission of penance, the dispensation from those practices of self-denial which superstition imposed or suspended at pleasure, the absolu-, tion of all sms, and the assurance of eternal felicity. None doubted that such as perished in the war received immediately the reward of martyrdom \* False miracles and fanatical prophecies, which were never so frequent, wrought up the enthusiasm to a still higher pitch And these devotional feelings, which are usually thwarted and balanced by other passions, fell in with every motive that could influence the men of that time, with cunosity, restlessness, the love of licence, thirst for war, emulation, ambition. Of the princes who

<sup>\*</sup> Nam qui pro Chri ti nomii e decertantes, ju acie fideli ini et Christiana militi e dicuntur occumbere, non solum mianna, scrum

et peccuminum er debetorum om minod im eredimus abolitionem promeren. Will Tyr Lx i. 20

• CHAP I assumed the cross, some probably from the beginning speculated upon forming independent PRANCE establishments in the East. In later periods, the temporal benefits of undertaking a crusade undoubtedly blended themselves with less selfish considerations. Men resorted to Palestine, as in modern times they have done to the colonies, in order to redeem their time, or repair their fortune Thus Gur de Lusignan, after flying from France for murder, was ultimately raised to the throne of Jerusalem . To the more vulgar class were held out inducements, which, though absorbed in the over-ruling tanaticism of the first crusade, might be exceedingly efficacions, when it began rather During the time that a crusader bore the cross, he was free from suit for his debts, and the interest of them was entirely abolished, he was exempted, in some instances at least, from taxes and placed under the protection of the church, so that he could not be impleaded in any civil court, 'except on criminal charges, or disputes relating to land \*

None of the sovereigns of Europe took a part in the first crusade, but many of their chief vassals, great part of the interior nobility, and a countless multitude of the common people. The priests left their parishes, and the monks their cells, and though the peasantry were then in general bound

Otho of Irisingen, c 35 has inserted a bull of Fugenius III 1a 1146, containing some of these pri vileges Others are granted by

Philip Augustus in 1214 Ordonnances des Rois de France, tom 1 See also Du Cange, voc. Crucis Privilegia

to the soil, we find no check given to their emi- CHAP I. Numbers of women and PART I gration for this cause children swelled the crowd, it appeared a sort of FRANCE sacrilege to repel any one from a work which was considered as the manifest design of Providence But if it were lawful to interpret the will of Providence by events, few undertakings have been more branded by its disapprobation than the cru-So many crimes and so much misery, have soldom been accumulated in so short a space, as in the three years of the first expedition. We should be warranted by contemporary writers in stating the loss of the Christians alone during this period it inearly a million, but, at the least computation, it must have execeded half that number \* engage in the crusade, and to perish in it, were almost synonymous. Tew of those myriads who vere mustered in the plants of Nice returned to glidden their friends in Europe with the story of their triumph at Jerusalem. Besigning alternately ) and besieged in Antioch, they drained to the lees' the cup of misery, three hundred thousand sat down before that place, next year there remained but a sixth part to pursue the enterprize their losses were least in the field of battle intrinsic superiority of European prowess was constantly displayed, the angel of Asia, to apply the

ŀ

ber, levides women, children, ad priess. An immerse slaughter had precounts been made in Hungars of the rabble under Gaulter Suns-Avoir.

William of Tyre says, that at the review before Nice there were tound (000,000 or both serve, exchasive of 100,000 cay thy armed in mail 1 n. c. 23. But Full of Chartres reskons the same num.

CHAP I hold language of our poet, high and unmatchable. where her rival was not, became a fear, and the FRANCE Christian lances bore all before them in their shock from Nice to Antioch, Edessa and Jerusalem. It 1009 was here, where their triumph was consummated, that it was stained with the most atrocious massacre, not limited to the hour of resistance, but renewed deliberately even after that famous penitenticl procession to the holy sepulchre, which might have calmed their ferocious dispositions at through the misguided enthusiasm of the enter prize, it had not been rather calculated to exerte them.\*

Lata con qui te in

The conquests obtained at such a price by the first crusade were chiefly comprised in the maritime parts of Syria - Except the state of Edessa beyond the Euphrates, I which, in its best days, extended over great part of Mesopotamia, the Latin possesssions never reached more than a few leagues from Within the barrier of Mount Libanus, then aims might be feared, but their power was never established, and the prophet was still invoked in the mosques of Alcippo and Damascus

<sup>\*</sup> The work of Multiples the I l'Espirit les Cret ples et les reing of considerable prins for its difference and any artiality. It carther than the first expect to in. Calilens two chapters of the City sades, though not without marryracics, are a brilliar t portion of his great work. The original writers are chaffy collected in two teles volumes, entitled Gesta Dei per Francos Hanover, 1611

<sup>\*</sup> Idesa was a little Christian principality surrounded by, and trabutary to, the Turks The m-Library mysted Baldwin, on his progress in the first crusade, and be made no great scruple of supplanting the reigenig prince, who indeed is represented as a tyrant and usurper Esprit des Croisades, des Huns, tom ii p 135-162

The principality of Antioch to the north, the king- CHAP 1 dom of Jerusalem, with its feudal dependencies of PARTI Tripoli and Tiberias to the south, were assigned, valver the one to Boemond, a brother of Robert Guiscard. count of Apulia, the other to Godfrey of Boulogne,\* whose extraordinary ment had justly cased him to a degree of influence with the chief crusaders, that has been sometimes confounded with a legitimate authority ! In the consent a tow years, Tyre, Ascalon, and the other cities upon the sea coast, were subjected by the successors of Godfrey on the throne of Jerusalem But as their chemies had been stunned, not killed by the western storm, the Latins were constantly molested by the Mohammedans of Egypt and Syria were exposed, as the out-post of Christendom, with 'more spite and few resources 1 second crusade, Southern in which the emperor Contad III and Louis VII. of France were engaged, each with seventy thousand cavalry, made scarce any diversion, and that vast army wasted away in the passage of Natolia 1.

 Condition never took the fifth of King of brusilene, it is classing to oil, to wear a cown of geld in that cate, where his Sweet had been crowned with thoras | Teild-Ain, Godfrey's brother, who surcorded him within two years onetales lumself, Rex Hernstein Launorum primus Will Ive l

11 c 12 + The heroes of the crusade are just like those of romance. (not frey as not only the wisest, but the ""onwest man in the army Herhips Tasso has lost some jort of this physical superiority for the sake

of cutriscia, here with the nungreaty lend! The convex a link in them to shoulder to the hanch A mobile Arib, nor the torng of Jerusalem, reque es him to try his sword gion a canel, when Godfrey with case cuts off the land. The Ardo, susporting there might be something peculiar in the blade, desires him to do the same with his sword. and the hero obliges him by demolishing a second cancl. Will Tyr lax c 22

! Vertot puts the destruction in the second crusade at two hundred 'CHAP I

Decline of the Latin forme quali նա ու նա Last

The decline of the Christian establishments in PART 1 the East is ascribed by William of Tyre to the ex-FRANCL treme viciousness of their manners, to the adoption of European aims by the orientals, and to the union of the Mohammedan principalities under a single chief \* Without denying the operation of these causes, and especially the last, it is easy to perceive one more radical than all the three, the madermacy of their means of self-defence. The kingdom of Jerusalem was guarded only, exclusive of European volunteers, by the feudal service of eight hundred and sixty-six knights, attended each by four archers on horseback, by a militia of five thousand and seventy-five burghers, and by a conscription, in great exigencies, of the remaining population t William of Tyre mentions an army

> thousand new Hist le Minthe p 120 and rem William of Tyre's language turn seem no citeason to consider the in extrac-

ration I vvi ( 19 ) I have f Vury also mentions the hange of weapoins by the Sarnerus in northern of the Latins, using the laters and could med instead of low and arrows, c 52. But, according to a more in unitaritier part of Sohman's the Kindge Arshin of de Guigness irms in the first car the was in armoni boners et adeis et clypers aurers valide armen. Al-bertus Aquensis. Lin e. 27. I. may add to this a tesim one of another kind, not less decisive. In the abbey of St. Dents, there were ten pictures in stained glass nepresenting suges and battles in the first crusade. These were made by order of Sezer, if nonstructed from VI is been some attention of the part of the techt certary. In ming existing the Turks are paneted en ear of wall, sometimes even inplated corress. In other, they in quite rangered, and in Howing rul Mortiguen, Memaner de la Monarche Trancasa, i a լժ ա

† Calibon e 98, note 125 J. rasidem itself was very thinly in habited for ill the heithen six-William of Lyre had perishe in the mission when the city wa then, or, if any escaped, the, were not allowed to return to heathen being thought fit to dwel in the holy city. Baldwin invitesome Arabian Christians to settl

of one thousand three hundred horse and fifteen CHAP I . thousand foot, as the greatest which had ever been PART I collected, and predicts the utmost success from it, FRANCE it wisely conducted \* This was a little before the muption of Saladin In the last fatal battle, Lusignan seems to have had somewhat a larger force 1. Nothing can more strikingly evince the iscendancy of Europe, than the resistance of these Frankish acquisitions in Syria during headly, two hundred years. Several of their victories over the Moslems were obtained against such-disparity of numbers, that they may be compared with whatever is most illustrious in history or romance ! These perhaps were less due to the descendants of the first crusaders settled in the Holy land, ; than to those volunteers from Lurope, whom murtial adour and religious zeal, impelled to the service It was the penance commonly imposed upon men of rank for the most hemous crimes, to serve a number of years under the banner of the cross Thus a perpetual supply of warriors was poured. in from Europe, and in this sense, the crusades may

<sup>\* 1</sup> xxn / 7

<sup>1.</sup> A prime intention Latinorum to terram senetam, vec 20to de Vies, nostre tot maltes ne mo 12 the congregare nequestrant. Froit came mille discontinuous oriente pedition nature cen ir nos, arcubis et telletes exente milia, moista expeditioni ocriursee dicuntur. Costa Dei ee Francos, p. 1113

A brief summary of these yo

crossici - John of Vitry, e

Many of these were of a monpole strature beschold from a Latine parent or our side, and Sva in on the other. These were called Polarias Pullant, and were looked upon as a mean degenerate race. Die eige Gloss y Pullant, and Observations sur Joniville, or Collection des Memorres relatifs a l'Histoire de France, tan p. 190.

\* CHAP I be said to have lasted without intermission during PART I the whole period of the Latin settlements

IRANCI these defenders, the most renowned were the military orders of the Knights of the Temple and of the Hospital of St John,\* instituted, the one in 1124, the other in 1118, for the sole purposi of protecting the Holy Land The Teutome order, established in 1190, when the kingdom of Jerusalem was falling, soon diverted its schemes of holy warfare to a very different quarter of the Large estates, as well in Palestine, as throughout Europe, enucled the two former institutions, but the pride, rapaciousness, and misconduct of both, especially of the Templars, seem to have balanced the advantages derived from At length, the famous Saladin, usurping the throne of a feeble dynasty which had reigned in Egypt, broke in upon the Christians of Jerusalem the king and the kingdom tell into

their valour L 1197 his hands nothing remained but a few strong towns upon the sea coast

third cm sa le 1189

These mistortunes roused once more the princes of Europe, and the third crusade was undertaken by three of her sovereigns, the greatest in personal estimation as well as dignity, by the emperor Frederic Barbarossa, Philip Augustus of France

<sup>\*</sup> The St. John of Teros dem was neither the I varied 1, not yet the Baptist, but a corrun Cypriot, simanied the Charited by who had been patnarch of Mexandria

the a curious instance of the internduct and insolence of the Iemplars, in William of Tyre, I

xx v 32. The Complars possession non thousand manors and the knights of St. John ninetien thou sind, in I prope. The latter were dimest is much represented as the 1 mplars for their pride and ava-

and our own Richard Coeur de Lion But this, CHAP 1. like the preceding enterprize, failed of permanent PARI I effect, and those feats of romantic prowess, which FRANCE made the name of Richard so famous both in Europe and Asia, \* proved only the total mefficacy of all exertions in an attempt so impracticable. Palestine was never the scene of another crusade One great armament was diverted to the succe of Constantinople, and another wasted in Jointless attempts upon Egypt The emperor Frederic H afterwards procured the restoration of Jerusalem by the Saracens but the Christian princes of Syria were unable to defend it, and their possessions were gradually reduced to the maritime towns. Acre, the last of these, was finally taken by storm in 1291 and its run closes the history of the Latin dominion in Syria, which Europe had already ceased to protect

The two last crusades were undertaken by St. Cossiles of Louis. In the first he was attended by  $2.800 \frac{\text{st fours}}{\text{r.s.o.}}$ knights and 50,000 ordinary troops 1. He landed at Damietta in Egypt, for that country was now deemed the key of the Holy Land, and easily made himself master of the city. But advancing up the country, he found natural impediments as well as

1204

mor soldie Bet I greatly prefer the enthurity of formalle, who has two mentioned the rumber of Enights in the text. On Cubbon's authority, I put the main body at So,toot, but, if bonville his stated this, I have missed the passage Their vessels amounted to 1800

<sup>.</sup> When a Turk's horse started it a bush, he would chile him, Jourville says, with, Unides to qu's soit he rig Richard! Women kept their children quiet with the threat of bringing Richard to them-† The Arabian writers give him 9,500 knights, and 130,000 coin-

1270

THAP I enemies in his way the Turks assailed him with Greek fire, an instrument of warfare almost as FRANCE surprizing and terrible as gunpowder, he lost his brother the Count of Artors, with many knights, at Massoura, near Cairo, and began too late a retreat towards Damietta Such calamities now fell upon this devoted aimy, as have scarce ever been surpassed hunger and want of every kind, aggravated by an unsparing postilence. At length the king was made prisoner, and very few of the army escaped the Turkish seymetar in battle or in Four hundred thousand livies were captivity paid as a ransom for Louis. He returned to France, and passed near twenty years in the exercise of those virtues which are his best title to canoniza-But the tatal illusions of superstition were still always at his heart, nor did it fail to be painfully observed by his subjects, that he still kept the cross upon his garment. His last expedition was originally designed for Jerusalem. had received some intimation, that the king of Tunis was desirous of embracing Christianity That these intentions might be carried into effect, he sailed out of his way to the coast of Africa, and laid siege to that city A fever here put an end to his life, sacrificed to that ruling passion which never would have torsaken him-But he had survived the spirit of the crusades, the disastrons expedition to Egypt had cured his subjects, though not himself, of their folly ,\* his son, after in doing

<sup>.</sup> The refusal of Jourville to accompany the king in this second

terms with Tunis, returned to France, the Christian I. tians were suffered to lose what they still retained PART I in the Holy Land, and though many princes in traver subsequent ages, talked loudly of renewing the war, the promise, if it were ever sincere, was never accomplished

Louis IX had men sed the royal domain by Part in the annexation of several countries and other less ' important fiels but soon after the accession of Philip III—sirnamed the Bold at received a far more considerable augmentation Altonso, the t late king's brother, had been invested with the county of Potton, ceded by Henry III together with part of Auvergne and of Saintonge, and held also, as has been said before, the remains of the egreat fiel of Toulouse, in right of his wife Jane. heress of Raymond VII. Upon his death, and that of his countess, which happened about the same time, the king entered into possession of all

ruside a very to mercle and cases us an insight into the feel Choise of Eath expeditors. To how le Irane, et le Roy de Nacore no pressorite for de na Coser, et enreprendie 🖰 chemin du polemore de tecnos. Mas a line respondicipie trade que Davon este oultre mer a se sice de Dien, que les grecores de credic Roy de Trance, social trop arese Of foulic messalgets funt que en estricted appears to crieff upo-Times if ne serest, que calx et nov or nous en sortissons. It com chrement a prime meeten angelerinage de la croix que co seroit la totale destruction de medcovres subjets. Depuis o iv-ji dire

and los curs, que conveque layer acscillerer Lederpan elle tre ory normale Lindock Co charantu etalement Criturdis qual ha ≛oriveano Elimos, Cuts a recommension to paix et a net peter. It medianent quation for tiers, for Leananch, a a declarer, et a empuer - I n' p

In the Libbrary of Le Grand d'Ans we have a neat point by Rateback, a writer of St. Lones's ige in collaborie between a cruauder on La non-aris ider, wherein, though he gives the last word to the termer at a plant that he designed the opposite with to pre-ponderate - I'm p 103 CHAP I these territories: This acquisition brought the sovereigns of France into contact with new neighbours, the kings of Aragon and the powers of Italy. The first great and lasting foreign was which they carried on, was that of Philip III and Philip IV, against the former kingdom, excited by the insurrection of Sieily. Though effecting no change in the boundaries of their dominions, this war may be deemed a sort of epoch in the history of France and Spain, as well as in that of Italy, to which it more peculiarly belongs.

Pair 1255

There still remained five great and ancient fiels of the French crown, Champagne, Guienne, Flanders, Burgundy, and Britiny - But- Իհմիթ IV, usually called the Fan, married the herress of the first, a little before his father's death, and although he governed that county in her name, without pretending to reunite it to the royal domain, itewas at least, in a political sense, no longer a part of the feudal body. With some of his other vassals, Philip used more violent me-A parallel might be drawn between this prince and Philip Augustus. But while in ambition, violence of temper, and unprincipled rapacity, as well as in the success of their attempts to establish an absolute authority, they may be considered as nearly equal, we may remark this difference, that Philip the Fair, who was destitute of military talents, gained those ends by dissimulation, which his predicessor had reached by force

Aggrandizement of the French monarchy under his reign.

The duchy of Gmenne, though somewhat abridged of its original extent, was still by far the most considerable of the French fiefs, even

independently of its connexion with England \* CHAP Is Philip, by durt of perfidy, and by the egregious PART I meapacity of Edmund, brother of Edward I, FRANCE contrived to obtain, and to keep for several years, the possession of this great province. A quarrel among some French and English sailors having provoked retaliation, till a sort of piratical war commenced between the two countries, Edward. as Duke of Guicine, was summoned into ble king's court, to answer for the trespasses of his sub-Upon this, he dispatched his brother to settle terms of reconciliation, with fuller powers than should have been entrusted to so credulous a negociator—Plinlip so outwitted this prince, through effectitions freaty, as to procure from him the sinrender of all the fortiesses in Guienne threw off the mask, and after again summoning Edward to appear, pronounced the confiscation of his field. This business is the greatest blemish in the political character of Edward — But his cagerness about the acquisition of Scotland rendered

Leanure had used the form, Res. nade A const labor Rymer, the part of Asthers the first the highly of Bymer at may be proper to observe that my reteremes are to the London edis tion, the joigniz of which is joserved or do margin of that print-

of if the Hague's the taken of this transaction, I have been guided by several instruments in Rymer, which leave no doubt on my mind. Velly of course represents the matter more favourably lor Philip

<sup>\*</sup> Philip was bighty offended that instrument in clear Corenne should be dated by the year of I dward's reign, and not of his own. This almost set badge of energiaty had been the creed by the kings of France during all the toudal ages. A struggle took place dout it, which is recorded in a currous letter from John de Greilli to Edward. The I reach court at hast consented to let dates lo thus expressed Actum fuit, regulante P rege Francise, 1 rege Angles tenente ducatum Aquitama Se veral precedents were shewn by the English, where the counts of

1303

CHAP I him less sensible to the danger of a possession in many respects more valuable, and the spirit of FRANCE resistance among the English nobility, which his arbitrary measures had provoked, broke out very opportunely for Philip, to thwart every effort for the recovery of Guienne by aims. But after repeated suspensions of hostilities, a freaty was finally-concluded, by which Philip restored the provinces on the agreement of a marriage between his daughter Isabel and the hen of England

> To this restatution he was chiefly induced by the ill success that attended his arms in Handers, another of the great fiels which this ambitious monarch had endeavoured to confiscate We have not perhaps as clear evidence of the original injustice of his proceedings towards the count of Flanders, as in the case of Ginenne but he certamly twice detained his person, once after drawmg him on some pretext to his court, and again, in violation of the faith pledged by his generals The Flemings made, however, so vigorous a resistance, that Philip was unable to reduce that small country, and in one famous battle at Courtray, they discomfited a powerful army with that utter loss and ignorance to which the undisciplined impetuosity of the French nobles was pre-eminently exposed \*

1302

Two other acquisitions of Philip the Fair deserve notice, that of the counties of Angouleme and la Marche, upon a sentence of forfeiture (and, as it

<sup>\*</sup> The Hemings took at Courtray 4,000 pair of gdt spurs, which were only worn by knights. These

Velly, happily enough, compares to Hannibal's three bushels of gold rings at Canna

seems, a very harsh one; passed against the reign- CHAP 11 ing count, and that of the city of Lyons, and its PART I adjacent territory, which had not even feudally FRANCE been subject to the crown of France, for more than three hundred years. Lyons was the down of Matilda, daughter of Louis IV on her marrage with Conrad, king of Burgundy, and was bequeathed with the rest of that kingdom by Rodolph, in 1032, to the empire Frederic Barbarossa conterred upon the archbishop of Lyons all regalian rights over the city, with the title of France seems to have had no Imperial Vicar concern with it till St. Louis was called in as a mediator in disputes between the chapter and the city, during a vacancy of the see, and took the exercise of purisdiction upon himself for the Philip III having been chosen arbitrator in similar circumstances, insisted, before he would restore the jurisdiction, upon an oath of fealty from the new archbishop. This oath, which could be demanded, it seems, by no right but that of force, continued to be taken, till, in 1310, an archbishop resisting what he had thought an usurpation the city was besieged by Philip IV and, the inhabitants not being unwilling to submit, was finally united to the French crown \*

Philip the Fair left three sons, who successively Louis reigned in France, Louis, sirnamed Hutin, Philip 1314 the Long, and Charles the Fair, with a daughter,

Velly, two p 404. For a district so I art de verifier les more precise account of the political dependence of Lyons and its.

THAP I. Isabel, married to Edward II of England the eldest, survived his father little more than a

Salic I an Plalip V

FRANCI, year, leaving one daughter, and his queen preg-The circumstances that ensued, require to be accurately stated. Louis had possessed, in right of his mother, the kingdom of Navaire, with the counties of Chainpagne and Brie his death, Philip, his next brother, assumed the regency both of France and Navarre, and not long afterwards, entered into a treaty with Eudes. duke of Burgundy, uncle of the Princess Jane, Louis's daughter, by which her eventual rights to the succession were to be regulated. agreed that in case the queen should be delivered of a daughter, these two princesses, or the survivor of them, should take the grandmother's inheritance, Navarre and Champagne, on releasing all claim to the throne of France But this was not to take place till then age of consent, when, if they should refuse to make such renunciation. their claim was to remain, and right to be done to them therem, but, in return, the release made by Philip of Navarre and Champagne, was to be null In the mean time, he was to hold the government of France, Navarre, and Champagne, receiving homage of vassals in all these countries as vavernor, saving the right of a male heir to the late king, in the event of whose birth, the treaty was not to take effect \*

This convention was made on the 17th of July,

<sup>\*</sup> Hist de Charles le Mauvais, par Secousse, vol. u p 2

1316; and on the 15th of November, the queen CHAP 1 brought into the world a son, John I as some PARLI called him, who died in four days. The conditional FRANTE , treaty was now become absolute, in spirit, at least, if any cavil might be raised about the expression, and Philip was, by his own agreement, precluded from taking any other title than that of regent or governor, until the princess Jane should attain the age to concur in or disclaim the provisional contract of her uncle Instead, of this, however, he produced himself to be consecrated at Rhems, though, on account of the avowed opposition of the Duke of Burgundy, and even of his own brother Charles, it was thought prudent to shut the gates during the ceremony, and to dispose guards throughout the town Upon his return to Paris, an assembly composed of prelates, barons, and burgesses of that city, was convened, who acknowledged him as their lawful sovereign, and, if we may believe an historian, expressly declared, that a woman was meapable of succeeding. , to the crown of France \* The duke of Burgundy, however, made a show of supporting his nicce's interests, till tempted by the prospect of a marmage with the daughter of Philip, he shamefully betrayed her cause, and gave up in her name, for

torran of this exportant period He describes the assembly which confirmed Philip's possession of the crown, quamplures proceses et regni mobile ac magnates una cum pherospo produte et burgenubus Pariensis civitatis

<sup>\*</sup> Tone etiam declaratum toit, qued in regno Francia mulica icon succedit Contin Gul Nangis, in Spicilegio d'Achery, toin in This monk, without talents, and probably without private information, is the sole contemporary his-

\*CHAP I an inconsiderable pension, not only her disputed claim to the whole monarchy, but her unquestion able right to Navarre and Champagne \* I have been rather minute in stating these details, because the transaction is misrepresented by every historian, not excepting those who have written since the publication of the documents which illustrate it i

In this contest, every way memorable, but especially on account of that which spring out of it the exclusion of females from the throne of France was first publicly discussed. The French writers almost unanimously concur in asserting, that such an exclusion was built upon a fund mental maxim No written law, nor even of their government so far as I know, the direct testimony of any ancient writer, has been brought forward to confirm this position. For as to the text of the Salic law, which was frequently quoted, and has indeed given a name to this exclusion of females it can only by a doubtful and refined analogy be considered as bearing any relation to the succession of the crown It is certain inevertheless, that, from the time of Clovis, no woman had ever reigned in France, and although not an instance of a sole heiress had occurred before, yet some of the Merovingian kings left daughters, who might, it

<sup>•</sup> Hist de Charles le Minvais, tin p.6. Jam and her husband, the count of I vieux, recovered Navarre after the death of Charles the Lair.

t Velly, who gives several proofs

of dising miousness in this par of history, mutilates the treaty of the 17th of July, 1,16, in order to come al Philip the Long's breach of faith towards his more

not rendered incapable by their sex, have shared CHAP I with their brothers in partitions then commonly made. But on the other hand, these times were TRANE gone quite out of memory, and France had much in the analogy of her existing usages to reconcile let to a female reign. The crown resembled a great fiel, and the great fiels were universally capable of descending to women. Even at the consecration of Philip himself, Mand, confitess of Artors, held the crown over his head among the other peers. And it was scarcely beyond the recollection of persons hying, that Blanche had been legitimate regent of France during the mino-rity of St. Louis.

For these reasons and much more from the provisional treaty concluded between Philip and the duke of Burgundy, it may be furly inferred, that the Salie law, as it was called, was not so fixed a principle at that time as has been contended But however this may be, it received at the accession of Philip the Long, a sanction which sub-

<sup>\*</sup> The treaty of Arde's, n = 6, 2010 a found to afford r essence promaption, that found seems a that time excluded from regions of frames. Greg Turon l in

t The continuous of Ningis tis indeed of this dequa disput addinant format. But the a were probably the partisms of her niphew Robert, who had been excluded by a pudicial sentence of Public IV on the ground that the right of representation did not take place in Artons, a decision considered by many as unjust Robert subsequently renewed his

appeal to the cort of Pheno of Value, for a 1-2 per for humself, and both the Europeanon of realization in the realization of the realization meets in support of a carre which somes to have been at hear placeable without such and. This increases distonests, which is not without parallel in more pravite causes, not only runned his pretensions to the counts of Artons, but produced a senting of forficient, in Leven of capital punishment against himself. See a pretty good accounted Robert's process in Velly, it vin p. 202.

PRÄNCE

Charles IX -1322

Plahp (1

1328

CHAP I sequent events more thoroughly confirmed Philip himself leaving only three daughters, his brother Charles mounted the throne; and upon his death, the rule was so unquestionably established, that his only daughter was excluded by the count of Valois, grandson of Philip the Bold. This prince first took the regency, the queen dowager being pregnant, and upon her giving birth to a daughter, was crowned king. No competitor or opponent appeared in France, but one more formidable than any whom Trance could have produced, was awaiting the occasion to proscente his imagined right with all the resources of valour and genius and to carry desolation over that great kingdom with as little scruple, as if he was preferring a suit before a civil tribunal

( larm of Ldward III

From the moment of Charles IV's death, Edward III, of England buoyed himself up with a notion of his title to the crown of France, in right of his mother Isabel, sister to the three last kings We can have no hesitation in condemning the injustice of this pretension. Whether the Salic law were or were not valid, no advantage could be gained by Edward Even it we could forget the express or tacit decision of all France, there stood in his way. Jane, the daughter of Louis X, three of Philip the Long, and one of Charles the Fair Aware of this, Edward set up a distinction, that, although females were excluded from succession. the same rule did not apply to their male issue. and thus, though his mother Isabel could not herself become queen of France, she might transmet a title to him. But this was contrary to the commonest rules of inheritance and if it could have CHAP I been regarded at all, Jane had a son, afterwards PART I the famous king of Navarre, who stood one degree FRANCE, nearer to the crown than Edward.

It is asserted in some French authorities, that Edward preferred a claim to the regency, immediately after the decease of Charles the Fair, and that the States General, or at least the pters of France, adjudged that dignity to Philip de Valois Whether this be true or not, it is clear, that he entertained projects of recovering his right as early, though his youth and the embarrassed circumstances of his government threw insuperable obstacles in the way of their execution. He did

\* I ure of Ideal III aldes el forcettore el Usandroons t the south of Trinos coted March 2 , 1 , 3 four days to on the height Chicles IV says huaccis danaline, estenite triintion. Rymer, vol. 1 p. 644-0 seq. But an instrument, decl. it Northampton, on the 10th of May, is decisive. This is a pro-retion to the histogs of Woo ces or and Intelified to demand. and take possession of the kingdom of Liames, "an our num while kingdom has decoled and appertime to us as to the right four. c 354. In this most on Arch. lashop Straiford return, in heating dication of him elt from I discide accusation of trason in 1540, and informs us that the two bishops actually proceeded to I rance, though without mentioning any further particulars Novit enim qui nitul ignorat, nuod cum questio de regno Trancia post mousen regis Caroli, fratris sere-

n signing directors, in padamente mas apud Northungton tors quodque idem regnum Transa il sos flereditario jure cament banene developme, et super her her ordinatum quod do repose Wikomens a tute, nune inden Winteners is to Coventions) of Inchieldensis in I runcrim director? goes us a ros momitteen ve tro regium Trancus. vuoto i – ii pridicti Phinppi de Vide ne coror monem pro VIof us may from the que juxta or annation of production beattonem is requiretant tune assumentes, gressia su es se sus l'ranctim di revium qui quiden legatio mayon in gratic presents mate-Wilkins Cou riam manistray t cha, trp 604

There is no evidence in Rymer's Ludery to corroborate Edward's supposed claim to the regency of Frame upon the death of Charles IV, and it is certainly suspicious, PARI II

CHAP I liege homage therefore to Philip for Guienne, and for several years, while the affairs of Scotland en-FRISCI grossed his attention, gave no sign of meditating a more magnificent enterprize. As he advanced in manhood, and felt the consciousness of his strength. his early designs grew mature, and produced a series of the most important and interesting revolutions in the fortunes of France. These will form the subject of the ensuing pages

> that to appear time is denser pionent to the reposterial approximation of the first a redo on of documents. The French betoming green the continue this, upon the authority of the contime or of Widian of North a mearly consumptions. In that if wasswell in machanic fire currons to company the four one. Tinglish by the air Reput affirms both the claim to the region of the air Charles IV's death, and then to the kirg loin, att. to terther his daughter. Carte, the mortes no historian we have meadons the

Little in his iber a feithe orner Harry or extending in te-liber labeling deligion rike no the or support of his period son or the Home are son superior to the decident to the regency before the Sar-Core that it is bright and make to the first transfer there so that see a tree then be dely in Racial It is I think it or probable that note labores a modello noted to contents to the second the state of the modules tion. St. thord expression seem to might that to could not

## PART II

Bar of Ednard III in Irano - Caus sor his Sec. ss-Coul Daturbances of France Peace of Bod govern Interpretation conselected—Charles I = Research of the non-Charles I = Ix Majority and Institute Call Design to a ct the Particle of Orlears and Bargrouds - 1 assout or of lath these Proces - Intrigues of their Party's with Pagland Side. He my D -- H my I meades I cance - I contract To go - State of Transce in the test near of Centres III Progress and subsequent Decline of the Light he fines the or Light section Lamber - Change in the Political Constitution | Low XI | h | Character - League formed against how-- Chirlied also of Brigondy . Let P = p rity and Tall - I consistently program of Berguedy In Death -Charle VIII - 1 year tweet Beta ,

No war had broken out in Europe, since the fall CHAP I of the Roman Empire, so memorable as that of TARLII Edward III and his successors against France, tresser whether we consider its duration, its object, or the warm bamagnitude and variety of its events. It was a transfer struggle of one hundred and twenty years, interrupted but once by a regular pacification, where the most ancient and extensive dominion in the civilized world was the prize twice lost and twice recovered in the conflict, while individual courage was wrought up to that high pitch, which it can seldom display, since the regularity of modern tactics has chastised its enthusiasm, and levelled its distinctions. There can be no occasion to

'CHAP. I dwell upon the events of this war, which are fami-PART II har to almost every reader, it is rather my aim to FRANCE develope and arrange those cifcumstances, which, when rightly understood, give the clue to its various changes of fortune

( aus s of his success

France was, even in the fourteenth century, a kingdom of such extent and compactness of figure, such population and resources, and filled with so spirited a nobility, that the very idea of subjugating it by a foreign force must have seemed the most extravagant dream of ambition \* Yet in the course of about twenty years of war this mighty nation was reduced to the lowest state of exhaustion, and dismembered of considerable provinces by an ignominious peace. What was the combination of political causes, which brought about so strange a revolution, and, though not realizing Edward's hopes to their extent redeemed them from the imputation of rashness in the judgment of his own and succeeding ages?

Character of Edward III.

The first advantage which Edward III possessed and his son in this contest, was derived from the splendour of his personal character, and from the still more eminent virtues of his son. Besides prudence and

dut VII threatened Lilward with spiritual arms Rymer, t v p 8- and 405 Renquired Edward's spirit and steading of to despite these menarcs. But the time, when they were terrible to princes. was rather passed by, and the Holy See never ventured to pro-voke the king, who treated the churt h, thoughout his regge, with admirable firmness and temper.

The pope (Benedict VII wrote a strong letter to I dward, (March, 1340;) dis-unding him from taking the title and arms of France, and pointing out the impossibility of his ever succeeding. I have no doubt but that thus was the common opinion But the Avignon popes were very sub-servient to France Clement VI as well as his predecessor, Bene-

military skill, these great princes were endowed CHAP 1. with qualities peculially fitted for the times in PARLI which they lived | Chivalry was then in its zenith; FRANTE and in all the virtues which adorned the knightly character, in courtesy, munificence, gallantry, in all delicate and magnatumous technics, none were so conspicuous as Edward III and the As later princes have boasted Black Prince of being the best gentlemen, they might claim to be the prowest knights in Europe, a character not quite dissimilar, yet of more high pic-Their court was, as it were, the sun of that system, which embraced the valour and nobility of the Christian world, and the respect which was felt for their excellencies, while it drew many to their side, initigated in all the rancour and teroclousness of hostility This war was like a great tournament, where the combatants fought indeed a outrance, but with all the courtesy and fan play of such an entertamment, and almost as much for the honour of their ladies In the school of the Edwards were formed men not inferior in any nobleness of disposition to their masters, Manni, and the Captal de Buch, Lelton, Knollys and Calverley, Chandos, and Lancaster French side, especially after du Gueselm came on the stage, these had rivals almost equally deserv-If we could forget, what never ing of renown should be forgotten, the wretchedness and devastation that fell upon a great kingdom, too dear a price for the display of any heroism, we might

PART II IRANCL

\*CHAP I count these English wars in France among the brightest periods in history.

Ph hp VI

 Philip of Valois, and John Ris son, shewed but Character of Doorly in comparison with their illustrious enemies Yet they had both considerable virtues, they were brave,\* just, liberal, and the latter, in particular of unshaken fidelity to his word But neither was beloved by his subjects, the imagovernment and extortion of their predecessors during half a century had alienated the public mind, and rendered their own taxes and debasement of the coin intolerable Philip was made by misfortune, John by nature, suspicious and austere, and although their most violent acts seem never to have winted absolute justice, yet they were so ill conducted, and of so arbitrary a complexion, that they greatly impaired the reputation, as well as inferests, of these monarchs. In the execution of Clisson under Philip, in that of the Connetable d Lu under John, and still more in that of Harcourt, even in the imprisonment of the king of Navarre, though every one of these might have been guilty of treasons.

has represented him as accepting it, on condition that I dward would stake the crown of Enghad against that of France, an naterpolation which may be truly called audaenous since not a word of this is in Philip's letter, preserved in Ryner, which the historian had before his eyes, and actually quotes upon the occasion list de France, t vin p 382

The brivers of Plane is not questioned. But a Lonch materian in order I suppose to en-hance this quality, he presented to violate truth in an extraordingly manner. The challenge sent by Edward, offering to decub his claim to the kingdom by single combat, is well known Certainly it conveys no imputation on the king of I rance to have declined this unfair proposal But Velly

there were circumstances enough to exasperate the CHAP 1 disaffected, and to strengthen the party of so political competition as Edward

Next to the personal qualities of the king of loss one England, his resources in this war must be taken of logistic late the account. It was after long hesitation that he assumed the title and arms of Frince, from which, unless upon the best terms, he could not neede without loss of honour. In the mean time he strengthened himself by alliances with the emperor, with the enties of Flanders, and with most of the princes in the Netherlands and on the Rhine. Yet I do not know that he profited much by these conventions, since he met with no success, till the scene of the war was changed from the Flenish frontier to Normandy and Porton.

\* The fest movement of which Usered disalloss the title of Longer has construct as a govern-Control Longot Basic part and he calls han, none protect from t full a gerenten. Has in of this is August 26, 1-37, ver en the 29th of the same month, inther nestrament gives here to take a king, and the same accers in Pseudent instances. At least a we have an instrument of prom-"From to the Dinks of Bere not Oc-Solve 7, 1357, curpos conc. Encto like prosession of the cown of Trans in the noise of Island. Ptendentes inclitum regionii I rinof ad not fore jury succession's ingitime devolutum. Arother if the same date appoints the said duke his vicar-general and henti-nant of France. The king assumed in this commission the title, Rex Francise et Anglier, in other or error to only lemser, Rex Australia From a Region recovery to the decision polouse of the Lagrangian the produce of the decision to be decision to be decision to be decision to be decisionally a result of the decision o

Pedate, I twird III would not have entered into the war, marris on a count of the claim to the er win. He had disputes with Printp about Carenine, and that printe had, rather unjustifiably, abetted Robert Bruce in Scotland. I am not inclined to lay any material stress upon the matigation of Robert of Artois.

PART II FRANCE

· CHAP I The troops of Hamault alone were constantly, distinguished in his service.

> But his intrinsic strength was at home. England had been growing in riches since the wisc government of his grandfather, Edward I. and through the market opened for her wool with the manufacturing towns of Flanders She was tranquil within; and her northern enemy, the Scotch, had been defeated and quelled The parliament, after some slight precautions against a very probable effect of Edward's conquest of France, the reduction of their own island into a province, entered, as warmly as improvidently, into his quartel. The people made if their own, and grew so intoxicated with the victories of this war, that for some centuries the injustice and folly of the enterprize do not seem to have struck the gravest of our countrymen

Lucellence of the l.nh-

There is, indeed, ample room for national exullish armies, tation at the names of Crecy, Poitiers, and Azin-So great was the disparity of numbers upon those famous days, that we cannot, with the French historians, attribute the discompture of their hosts merely to mistaken tactics and too impetuous valour. They yielded rather to that intrepid steadings in danger, which had already become the characteristic of our English soldiers. and which, during four centuries, has ensured their superiority, whenever ignorance or infatuation have not led them into the field. But these victories, and the qualities that secured them, must chiefly be ascribed to the freedom of our constitution, and to the superior condition of the people. CHAP I Not the nobility of England, not the feudal te-PART II nants won the battles of Creev and Poitiers, for FRANCE these were fully matched in the ranks of France; but the veomen, who drew the bow with strong and steady arms, accustomed to its use in their native fields, and rendered fearless by personal competence and civil freedom. It is well known, that each of the three great victories wardue to our archers, who were chiefly of the middle class, and attached, according to the system of that age, to the knights and squites who tought in heavy armour with the lance. Even at the battle of Portiers, of which our country seems to have the least right to boast, since the greater part of the Black Prince's small army was composed of Gascons, the mout of the English bowmen is strongly attested by Froissart \*

Let the clorious termination to which Edward Condition of was enabled, at least for a time, to bring the con- politice of test, was rather the work of fortune than of valour Tothers and prudence. Until the battle of Poitiers, he had made an progress towards the conquest of That country was too vast, and his army The victory of too small, for such a revolution Crecy gave him nothing but Calais, a post of considerable importance in war and peace, but rather

entendre, qu'ils ne fussent consuyvis de trayt, et s'avancovent tonsjours ces Anglois, et petit a petit enqueroyent serre l'art I

Au vray dire, les archers d'Angleterre faisoient à leurs gens grant avantage. Car de tiroyent lant espessement, que les Fran-(out ne scavoyent dequel coste

· CHAP I adapted to appear than to subjugate the kingdom PART II But at Portiers he obtained the greatest of prizes, FRANCI by taking prisoner the king of France. Not only the love of freedom tempted that prince to ransom himself by the utmost sacrifices, but his captivity left France defenceless, and Seemed to annihilate the monarchy itself. The government was already odious, a spirit was awakened in the people, which might seem hardly to belong to the fourteenth century, and the convulsions of our own time an sometimes strongly parallelled by those which suceceded the battle of Poitiers Already the States General had established a fundamental principle that no resolution could be passed as the opinion of the whole, unless each of the three orders concurred in its adoption \* The right of levying and of regulating the collection of taxes was recognized But that assembly which met at Paris inna diately after the battle, went far greater lengths in the retorn and controll of government From the time of Philip the Fan, the abuses natural to arbitrary power had harrassed the people. There now seemed an opportunity of redress, and however seditions, or even treasonable, may have been the motives of those who guided this assembly of the States, especially the famous Marcel, it is clear that many of their reformations tended to liberty and the public good † But the tumultuous scenes

separation is inconvenient, but it arow indispensably out of my ar rangement, and prevented greater Inconveniences

Ordonnances des Rois de France, t 11

<sup>†</sup> I must refer the reader onward to the next chapter, for more information on this subject. This

which passed in the capital, sometimes heightened CHAP I into civil war, necessarily distracted men from the PARTII. common defence against Edward These tumults FRANCE were excited, and the distraction increased, by Charles, king of Navarre, simamed the Bad, to shom the French writers have, not perhaps unjustly, attributed a character of unimized and in-He was grandson of Louis scterate malignity flutin, by his daughter June, and, it Edward's pretence of claiming through temales could be adnutted, was a nearer heir to the crown, the consciousness of which seems to have suggested itself. to his depiaved mind as an excuse for his treachecaes, though he could entertain very little prospect of asserting the claim against either contend-John had bestowed his daughter in ong party finarriage on the king of Navarre but he very soon gave a proof of his character, by procuring the assassmation of the king's Javourite Charles ■de la Cerda — An irreconcilcable cumity was the natural result of this crime Charles became aware that he had offended beyond the possibility of forgiveness, and that no letters of pardon, nor pretended reconciliation could secure him from the king's resentment. Thus, impelled by guilt into deeper guilt, he entered into alliances with Edward, and fomented the seditious spirit of Eloquent and insinuating, he was the favourite of the people, whose grievances he affected to pity, and with whose leaders he in-As his paternal inheritance, he pos-Sessed the county of Evreux in Normandy

CHAP I proximity of this to Paris created a formidable PART II. dryersion in favour of Edward III. and connected FRANCE the English garrisons of the North with those of Pottou and Guienne.

> There is no affliction which did not fall upon France during this miserable period. A foreign enemy was in the heart of the kingdom, the king a prisoner, the capital in sedition, a treacherous prince of the blood in arms against the sovereign authority. Famme, the sure and terrible companion of war, for several years desolated the country In 1348, a pestilence, the most extensive and unsparing of which we have any memorial, visited France as well as the rest of Europe, and consummated the work of hunger and the sword \* The companies of adventure, mercenary troops in the service of John or Edward, finding no immediate occupation after the truce of 1357, scattered them selves over the country, in search of pillage. No force existed sufficiently powerful to check these robbers in their career. Undismayed by superstition, they compelled the pope to redeem himsel in Avignon by the payment of forty thousand

limitum, and in 1350 laid wast-Cormany and other northern statelasting generally about tive monthin each country. At Florence more than three out of five deel Muratori, Script Rerum Italica rum, t xiv p 12. The stories of Borcaccio s Decamerone, as is well known, are supposed to be related by a society of Florentine ladies and gentlemen retired to the country during this pestilence

<sup>·</sup> A full account of the riviges made by this no norable playing may be found in Mattee Villant, the second of that family who wrote the history of I lorence ther and predecessor, John Villani, was himself a victim to it. The disease began in the Levant about 1346, from whence Italian traders brought it to Sicily, Pisi, and Genoa In 1148, it passed the Alpa and spread over France and Spain, in the next year it reached

crowns.\* France was the passive victim of their CHAP I licence, even after the pacification concluded with PART IL England, till some were diverted into Italy, and FRANCE others led by du Gueschi to the war of Castile. Impatient of this wretchedness, and string by the nsolence and luxury of their lords, the peasantry of several districts broke out into a dreadful insurrection. This was called the Jacquerie, from the cant phrase Jacques bon homme, applied to men of that class, and was marked by all thescircumstances of horror incident to the rising of an exasperated and unonlightened populace f

\* Froissart, p. 1-7 This troop Charles wis commenced life Amount do Corvole, surnamed A haretre, toon a lenen c viole, although a layer or the resof, according to the presultto of those ages. See a memorr with life of Arnaud de Corvolo, in the twenty-fitth volume of the Academy of Inscriptions

t The second community of Vingre, a monk of no great do lities, but entitled to notice as ar most contemporary historica, charges the poblity with spending be money raised upon the people recognitions to the property of the same of dite 'et alion indecentis paris D'Achery, Spicilesium, tom p 114 (folio edition). All the miseri-s hat followed the battle of Potters he asembes to bad government and reglect of the commonweal but \*\*Jecially to the pinde and luxury

if the nobles I am aware that this writer is biassed in favour of The king of Navarre but he was an eye-witness of the people a mitwith and perhaps a les excep-, tonish authority than I missart.

whose level of page antry and labits of boths in the safes of the great so in to have produced some in cost that twinds the sulcrings of the tover classes. It is a puntol circumstance, which I roissart and the community of Nonzis atmore inconsing than the onition here so history were unrewarded, and be god their broad in miscry throng home I range. Add not contraducts this, on the inthority of an colored which he has son in thra favoir Bot that was not a non-where or tenth is were very sus og excerción. Villatus pi 470 I must old, that the celebrided story of the six citizens of Cilias, which has of late been salled in question, necesses strong confirmation from John Villani, who died very soon afterwards I xii c 90 Froissart of course wrought up the circumstances after his manner. In all the colouring of his history, he is as great a master as Livy, and as little observant of particular truth M de Brequigny, almost the latest of CHAP I PART II.

FRANCE
Peace of Breugm

Subducti by these mistortunes, though Edward had made but slight progress towards the conquest of the country, the regent of France, afterwards Charles V., submitted to the peace of Bictigni By this treaty, not to mention less important articles, all Guienne, Gascony, Poitou, Saintonge the Limousin, and the Angoumois, as well as Calars, and the county of Ponthicu, were ceded in full sovereignty to Ldward, a price abundantly compensiting his reminciation of the title of France, which was the sole concession stipulated Every care seems to have been taken m return to make the cession of these provinces complete The first six articles of the treaty expressly surrender them to the king of England. By the scyeath, John and his son engage to convey within a year from the ensuing Michaelm is all their rights over them, and especially those of sovereignty and feudal appeal. The same words are repeated still more emphatically in the eleventh, and some other articles. The twelfth stipulates the exchange of mutual renunciations, by John, of all right over the ceded countries, by Edward, of his claim to

those excellent antiquaries who simemors so much illustrate the French Academy of Inscriptions, has discussed the history of Calais, and particularly this remorkable portion of it. Mem de l'Academie des Inwriptions, t. 1.

Petrarch has drawn a lament

Petrach has drawn a lament able picture of the state of I rance in 1300, when he paid a visit to Paris. I could not believe, he says, that this was the same king-

don which I had once seen rich and flouristing. Nothing presented itself to my eyes but a fearly solitude, an extreme poverty, land uncultivated, houses in runs. Eye the in richbourhood of Paris man tested every where marks of distruction and configeration. To streets are descrited, the roar overgrown with weeds, the whole is a vast solitude. Mem de Petrarque, thin p. 541.

the throne of France At Calais, the treaty of CHAP I Bretigni was renewed by John, who, as a prisoner. PARTH had been no party to the former compact, with the FRANCE omission only of the twelfth article, respecting the exchange of renunciations But that it was not intended to wave them by this omission, is abundantly manifest by instruments of both the kings, in which reference is made to their future interchanges at Bruges, on the feast of St. Andrew, 1361 And, until that time should arrive. Edward promises to lay uside the title and arnis of France, an engagement which he strictly kept,\* and John to act in no respect as king or suzeram over the ceded provinces. Finally, on November 15, 1361, two commissioners are appointed by Edward to receive the renunciations of the king of France at Bruges on the cusuing feast of St. Andrew, Land to do whatever might be mutually required by These however, seem to virtue of the treaty have been withhold, and the twelith article of the treaty of Bretigin was never expressly completed By mutual instruments, executed at Calais, October 24, it had been declared, that the sovereignty of the ceded provinces, as well as Ldward's right to the grown of France, should remain as before, although suspended as to its exercise, until the exchange of renunciations, notwithstanding any words of present conveyance or release in the

<sup>217</sup> The treaty was signed October 24 III p. 219 if Rym tive p. 19

<sup>\*</sup> Islward gives John the title of hing of France, in an instrunent bearing date at Calins, October 22, 1360 Rymer, two p

CHAP I treaties of Bretigni and Calais And another pair PART II. of letters patent, dated October 26, contains the FRANCE, form of renunciations, which, it is mutually declared, should have effect by virtue of the present letters, in case one party should be ready to exchange such renunciations at the time and place appointed, and the other should make default therem. These instruments executed at Calais are so prolix, and so studiously enveloped, as it seems in the obscurity of technical language, that it is difficult to 'extract their precise intention appears, nevertheless, that whichever party was prepared to perform what was required of him at Bruges on November 30, 1361, the other then and there making default, would acquire not only what our lawyers might call an equitable title, but an actual vested right, by virtue of the provision in the letters patent of October 26, 1360 pointment above mentioned of Edward's commissioners on November 15, 1361, seems to throw upon the French the burden of proving, that John sent his envoys with equally full powers to the place of meeting, and that the non-interchange of renunciations was owing to the English government But though an historian, sixty years later, ¿Juvenal des Ursins asserts that the French commissioners attended at Bruges, and that those of Edward made default, this is certainly rendered improbable, by the actual appointment of commissioners made by the king of England on the 15th of November, by the silence of Charles V after the recommencement of hostilities, who would have rejoiced in so

good a ground of excuse, and by the Janguage of CHAP I some English instruments, complaining that the French renonciations were withhold. It is sug-FRACT gested by the French authors, that Edward was unwilling to execute a formal renunciation of his claim to the crown. But we can hardly suppose, that/in order to evade this condition, which he had voluntarily imposed upon himself by the treaties of Bretigni and Calais, he would have before title to the provinces ceded by those conventions im-

\* It appears that among other diesed intentions of the firsts. the king of France had received appears from Armognie, Adoret, and other nobles of Aquitane in C long after the poice. For, in Le-Smary, 1 (2) (Princh er voy, the count de Laor civille being in linghad the price of and presented to I dward their belt of remortrunce against the conduct of frame it soulls are oused by rev d'Angleterre que considere la fourme de la diffé parx, qui turestort honoural le et proflitable ne royaume de France et a toute chretiente, que la reception desdittes appellacions, n a'min esti bientinte to passee wordenement to a sile or iffection et amour comme il doct avoir esté faite de riison par i let. fit et l'intention de la paix, i. 1 hances affermées et ent reux serelde estre moult prejudiciables et coatraires a l'onneur et a l'estat du 10x et de son fils le prince et de touse la maison d Angletero et pourra esto evidente matiere de relichion des subgrez, et aussi donner tres grant occasion d'enfraindre la paix, «i bon remede sur ce n y soit mis plus hastivement I pon the whole, they conclude that if the king of I rance would repair this trespass, and send his remunciation of sove-

The American 14.67 Lear processof na blood or is they are termed. Seigners de-Themselve, were decembed as howtics to the discretion is the there I Biet zer, which, from where product and other कि राजाओं को स्थान \nvious e alla a cher i e i che signed r to by a Loring in N vember, 1 m2, I v which can up other procisions, a sast quality of that the kins of I one should send fresh buters in der mis seil, conveying and it is no the territories code f be the peace, without the clause commend in the former letters, returns, the resort of que encopes cosport de la sonveramite et de ressort, &c. It le rord Ingleterre et ses entans f r-

nort somi lablement auticle renon-

crations, sur coquid at faire de sa

partic Rymer, in proc Par

treats of London was in ver ratified

by the French government but I

use it as a proof, that Edward im-

puted the want of mutual renun-

ciations to France, and was him-

self ready to perform his part of

relate, do stok should send his

or rainteed in co

Martenne

the treaty

\*CHAP I perfect. He certainly deemed it indefeasible, and PARLII acted without any complaint from the French FRANCE court, as the perfect master of those countries He created his son Prince of Aguitaine, with the fullest powers over that new principality, holding it in ficf of the crown of England by the yearly rent of an ounce of gold \* And the court of that great prince was kept for several years at Bordeaux

I have gone something more than usual into detail as to these circumstances, because a very specious account is given by some French histotrans and antiquaries, which tends to throw the blame of the rupture in 1368 upon Edward III I Unfounded as was his pretension to the crown of France, and actuated as we must consider him by

\* Ryn Carper (1000) chaire a penakahér dalam di testivis penakahér di telepada (1000) di testivis penakahér di telepada (1000) di testivis penakahér di telepada (1000) di telepada (100 creating do pro no let Aquatino. into ckingdor 4.8 choles of the notions of this continue to an age when the product to cating new time demokes become belong only to the page and the emperor Pennsejeine rum mode products advis to tomoris titulium et fistig um importenen sulfame and, aprair continue a fic ciendam per misco tipa specialità reservations

t Besides Villaret, and other historians, the realer, was halany currosity on this subject incoconsult there memous in the 1 th volume of the Academy of In-scriptions, by MM Seconse, Siher, and Bonnov - These distinguished antiquaries unite, but the third with much less confidence and passion than the other two, in charging the omission upon Edward. The observations in the terestrate a Lhaper the countries where I may be primited or a deglete the class betheroom decribed to mewor. Purse on end unider t assume my transit as all into), I had been guided in a great dealer, by emoral the places comes I M. Lourany whose statement of facts is very feet and e des ne suspect a little, il ai lisays the weaking south a own cause. The outhorn, of Chartan de-

Print a contemporary panegyrist of the Trench king is not jurhaps very material in such a que tion. but she seems wholly ignorant of the supposed amesion on I.I. wards side, and puts the justice of Charles V. swir maxiry different basis, namely that treaties not conductor to the public interest ought not to be kept. Collection des Messoures, t v p 1:7 A principle more often acted upon han avowed!

the most runous ambition, his character was un- CHAP 1. blemished by ill faith. There is no apparent cause, EARLII to impute the rayages made in France by soldiers traver formerly in the English service to his instigation, nor any proof of a connexion with the king of Navarre, subsequently to the peace of Bretigin But a good lesson may be drawn by conquerors from the change of fortune that befel Edward III A long warfare, and unexampled success, had procured for him some of the richest praymers of Within a short time he was entirely stripped of them, less through any particular misconduct, than in consequence of the intrinsic difficulty of preserving such acquisitions French were already knit together as one people, and even those, whose tendal duties sometimes led them into the field against their sovereign, could not endure the feeling of dismemberment from When the peace of Bietigni was the monarchy to be carried into effect, the nobility of the South remonstrated against the loss of the king's sovereignty, and shewed, it is said in their charters granted by Charlemagne, a promise never to transter the right of protecting them to another citizens of Rochelle implored the king not to desert them, and protested then readiness to pay half their estates in taxes, rather than fall under the power of England John with heaviness of heart persuaded these faithful people to comply with that destiny which he had not been able to At length they sullenly submitted we will obey, they said, the English with our lips,

• CHAP 1 but our hearts shall never forget their allegiance \* PART II Such unwilling subjects might perhaps have been FRANCE won by a prudent government, but the temper of the Prince of Wales, which was rather stern and arbitiary, did not conciliate their hearts to his cause | After the expedition into Castile, a most injudicious and fatal enterprize, he attempted to impose a heavy tax upon Guienne This was extended to the lands of the nobility, who claimed an immunity from all impositions. Many of the chief lords in Guicine and Gascony carried their complaints to the throne of Charles V who had succeeded his father in 1364, appealing to him as the prince's sovereign and judge After a year's delay, the king ventured to summon the Black

Carba V Ruptur or thepring Progre

1365 France, and the war immediately recommenced

Though it is impossible to reconcile the conduct of Charles upon this occasion to those stern principles of rectitude which ought always to be obeyed, yet the exceeding injustice of Edward in the former war, and the miseries which he inflicted upon an unoffending people in the prosecution of

Prince to answer these charges before the peers of

\* Frossint, participing 214.

between the two countries!

<sup>†</sup> See an anerdote of his differ. ence with the sections of America. one of the prite ip at barons in Cascony, to which Fromut, who was then at Borden's isombes the alienation of the southern nobility, chap 244 - Edward III some

after the peace of Bretigia, revoked all his grants in Courenne --Hymer, tvi p 391

On November 10, 1366, some time before the summons of the Prince of William a treats was combided between Charles, and Henry, king of Uistile, wherein the latter expressly supulates that whatever parts of Guienne or England he might conquer, he would give up to the king of France -Rymer, tvi p 598

his claim, will go far towards extenuating this (HAP I breach of the treaty of Bretigm It & observed, PARTII indeed, with some truth by Rapin, that we judge FRANCE of Charles's prodence by the event, and that it he had been unfortunate in the war, he would have brought on hunselt the reproaches of all mankind, and even of those writers who are now most ready to extol him. But his measures had been so sagaciously taken, that except through that priverseness of fortune, against which, especially in war, there is no security, he could hardly tail of success. The elder Edward was declining through age, and the younger through disease, the ceded provinces were eager to return to their native king, and their garrisons, as we may infer by their easy reduction, teeble and ill-supplied France, on the other hand, had recovered breath after her losses the sons of those who had tallen or fled at Pottiers were in the field, a king, not personally warlike, but eminently wise and popular, occupied the throne of the rash and intemperate John. She was restored by the policy of Charles V and the valour of du Gueselm hero, a Breton gentleman without fortune, or exterior graces, was the greatest ornament of France Though interior, as it seems, to during that age Lord Chandos in military skill, as well as in the polished virtues of chivalry, his unwearied activity. his talent of inspiring confidence, his good fortune, the generosity and trankness of his character, have preserved a fresh recollection of his

CHAP I name, which has hardly been the case with our PARI II countryman.

TRANCE - In a few campaigns the English were deprived the Inglish of almost all their conquests, and even, in a great los alltion degree, of their original possessions in Concenne

They were still formidable enemies, not only from their courage and alacrity in the war, but on account of the keys of France which they held in their hands, Bordeaux, Bayonne and Calais, by inheritance or conquest, Brest and Cherbourg, in mortgage from their allies, the duke of Britany But the successor of Edand king of Navarre ward III was Richard II a reign of feebleness and sedition gave no opportunity for prosecuting schemes of ambition. The war, protracted with few distinguished events for several years, was at length suspended by repeated armistices, not indeed very strictly observed, and which the ammosity of the langlish would not permit to settle in any regular treaty. Nothing less than the terms obtained at Bretigm, emphatically called the Great Peace, would satisfy a frank and courageous people, who deemed themselves cheated by the manner of its intraction. The war was therefore always popular in England, and the credit which an ambitious prince. Thomas, duke of Gloncester, obtained in that country, was chiefly owing to the determined opposition which he showed to all French connexions But the politics of Richard II. were of a different east, and Henry IV was equally anxious to avoid hostilities with France, so that before the unhappy condition of that king-

dom tempted his son to revive the claims of Ed- CHAP 1 ward in still more favourable circumstances, there PARLIE had been thirty years of respite, and even some maker intervals of friendly intercourse between the two nations Both, indeed, were weakened by internal orseord, but France more tatally than England But for the calamities of Charles VI's reign, she would probably have expelled her enemics from The strength of that fertale and the kingdom populous country was recruited with surprizing ; rapidity Sir Hugh Calverley, a famous captain in the wars of Edward III, while serving in Flanders, laughed at the herald, who assured him that the king of France's army, then entering the country, amounted to 26,000 lances, asserting that he had often seen their largest musters, but acver so much as a fourth part of the number \* The relapse of this great kingdom under Charles VI was more painful and perilous than her first crisis, but she recovered from each through her intrinsic and inextinguishable resources

Charles V. sunamed the Wise, after a reign, Accessored which, if we overlook a little obliquity in the rup- 1500 c ture of the peace of Bretigin, may be deemed one of the most honourable in French history, dving prematurely, left the crown to his son, a boy of thirteen, under the care of three ambitious uncles, the dukes of Anjou, Berry, and Burgundy. Charles had retrieved the glory, restored the tranquillity, revived the spirit of his country, the severe trials

CHAP I, which exercised his regency, after the battle of PART II. Poitiers, had disciplined his mind, he became a FRANCE Sugacious statesman, an encourager of literature, He erred doubtless. a beneficent law-giver though upon plausible grounds, in accumulating a vast treasure, which the duke of Anjou seized before he was cold in the grave But all the truits of his wisdom were lost in the succeeding reign? In a government essentially popular, the youth or imbeculity of the sovereign creates no material derangement In a monarchy, where all the springs of the system depend upon one central force, these accidents, which are sure in the course of a few generations to recur, can scarcely fail to dislocate the whole machine During the forty years that Charles VI bore the name of king, rather than reigned in France, that country was reduced to a state far more deplorable than during the captivity of John

> A great change had occurred in the political condition of France during the fourteenth century As the feudal militia became unserviceable, the expenses of war were increased through the necesuty of taking troops into constant pay, and while more luxurious refinements of living heightened the temptations to profuseness, the means of enjoying them were lessened by improvident alienations of the domain Hence taxes, hitherto almost unknown, were levied incessantly, and with all those circumstances of oppression, which are natural to the fiscal proceedings of an arbitrary government These, as has been said before, gave

rise to the unpopularity of the two first Valois, CHAP. I and were nearly leading to a complete revolution PART II in the convulsions that succeeded the battle of FRANCE Pottiers. The confidence reposed in Charles V. s wisdom and occonomy kept every thing at rest during his reign, though the taxes were still very heavy But the seizure of his vast accumulations by the duke of Aniou, and the ill faith with which the new government imposed subsidies, after promising their abolition, provoked the people of Paris, and sometimes of other places, to repeated softons a seditions The States General not only compelled 1 am the government to revoke these impositions, and restore the nation, at least according to the language of edicts, to all their liberties, but, with less wisdom, refused to make any grant of money. Indeed a remarkable spirit of democratical freedom was then rising in those classes, on whom the crown and nobility had so long transpled example was held out by the Flennings, who, always tenacious of their privileges, because conscious of their ability to maintain them, were engaged in a turious conflict with Louis, count of Flanders.\*

\* The Hernish rebillion, which reginated in an attempt, suggested he had advisers to the count, to impose a tax upon the people of Chent without their consent, is related to a very into restring manner by Fronsart, p ii c 17 &c who equals Herodotus in simplicity, hveliness, and power over the heart I would advise the histo rical student to acquaint himself with these transactions, and with the Geresponding tumults at Paris

Inco are among the eternal lessons of history for the unjust en cronchiments of courts, the internperate pessions of the multitude. the ambition of demagogues the cruelty of victorious factions, will mixer rease to have their parallels ind their analogies, while the military atchievements of distant times afford, in general, no instruction, and can bardly occupy too little of our time in historical studies. The prefaces to the fifth

CHAP I The court of France took part in this war; and PART II after obtaining a decisive victory over the citizens FRANCE of Ghent, Charles VI returned to chastise those of Paris.\* Unable to resist the royal army, the city was treated as the spoil of conquest, its immunities abridged, its most active leaders put to death, a fine of uncommon severity imposed and the taxes renewed by arbitrary prerogative But the people preserved their indignation for a favourable moment, and were unfortunately led by it, when rendered subservient to the ambition of others, into a series of crimes, and a long ahenation from the interests of their country

> It is difficult to name a limit beyond which taxes will not be borne without impatience, when they appear to be called for by necessity, and faithfully applied, nor is it impracticable for a skilful minister to deceive the people in both these respects. But the sting of taxation is wastefulness. What high-spirited man could see without

and sixth volumes of the Ordonnances des Rois de France, contam more accurate information as to the Parisian, his arbano's than can be found in I ros - at

It Charles VI had been defeated by the Hernings, the insurrection of the Parisians, Froissirt says, would have spread over brance; toute gentillesse et miblesse eut etr morte et parilu- en France, nor would the Jacquerie have ever been at grande et si horrible, c 120 To the example of the (Jantous he ascribes the tumults which broke out about the same time in England as well as in

Irane c /4 The Hernshan surrection would probably have Lid note inquire it consequences it it had been cordedly supported by the Trighsh government. But the danger of encouraging that derios ratical spirit which so strongly h avened the commons of England nacht justly be deemed by Richard Il's council much more than a counterbalance to the advantage of distressing France. When too late, some attempts were made, and the Flemish towns acknowledged Richard as king of France in 1384 Rymer, t. vii p 448

indignation the earnings of his labour, yielded CHAP I ungrudgingly to the public defence, become the PARI II. spoil of parasites and peculators! It is this that FRANCE. mortifies the liberal hand of public spirit, and those statesmen who deem the security of government to depend not on laws and armies, but on the moral sympathics and prejudices of the people, will vigilantly guard against even the suspicion of In the present stage of society, it is impossible to concerve that degree of misapplication which existed in the French trensury under Charles VI, because the real exigencies of the state could never again be so meonsiderable Scarcely any military force was kept up and the produce of the grievous impositions then levied was chiefly lavished upon the royal household, or plundered by the officers of government.\* This naturally resulted from the peculiar and afflicting circumstances of this reign The duke of Anjou pretended to be intiffed by the late king's appointment, if not by the constitution of France, to excrosse the government as regent during the mipority of but this period, which would naturally

amptive heir is entitled to the regipes of Irance and, if he be on to the regimes, whether this includes the custody of the minor's person. The particular case of the duke of Anjou'rs subject to a considerable apparent difficulty I wo instruments of Charles V, bearing the same date of October 1374, as published by Dupny, (Traite de majorite des Rois, p. 161.) are plainly irreconcileable with each

<sup>\*</sup> The expenses of the evil numbold, which under Chirles V were 94,000 livres, a nount I in 1412 to 450,000. Villaret, t of 1 243. Let the king was so in supplied, that his plate had been paweed. When Montagu, minister of the finances, was arrested, in 1409, all this plate was found conrealed in his house

<sup>†</sup> It has always been an un-witled point, whether the pre-

CHAP. I be very short, a law of Charles V. having fixed PART If, the age of majority at thirteen, was still more FRANCE abridged by consent, and after the young monarch's coronation, he was considered as reigning with full personal authority Anjou, Berry, and Burgundy, together with the king's maternal uncle, the duke of Bourbon, divided the actual exercise of government

> The first of these soon undertook an expedition into Italy, to possess himself of the crown of Naples, in which he perished. Berry was a profuse and voluptuous man, of no great talents though his rank, and the middle position which he held between struggling parties, made him rather conspicuous throughout the revolutions of that age The most respectable of the king s uncles.

other, the former giving the exclusave regency to the duke of Amou, reserving the custody of the ininor's person to other auculaus the letter conferring not only the custody, but the government of the lengton, on the queen, and on the dukes of Burgumly and Bourbon, without mentioning the duke of Anjou's name Dunel calls there testaments of thirles. V, whereas they are in the form of letters patent and supposes that the king had suppressed both, as neither party seems to have availed itself of their authority in the discussions that took place after the king's death. Hist de France, t m p 662 edit 1720; Viliaret, as is too much his cus-tom, slides over the difficulty without notice But M. de Bréquigny, (Méra. de l'Acad des Inscript t i p 333 ) observes that the se-

cond of these metruments as a u'lished by M Secousse, in the O' donnances des Rois, t vi p 40 differe most essintially from that in Dupuy, and contains no men tion whatever of the government It is therefore easily reconcileable with the first, that confers the regency on the duke of Anjou 14 Dupuy took it from the same source is Seconsse, namely, the Tresor dis Chartes, a strong suspicion of wilful interpolition falls upon hin . or upon the editor of his posthumous work, printed in 1655. This date will readily suggest a monsfor such an interpolation, to those who recollect the circumstances of France at that time, and for some years before; Anne of Austra having maintained herself in possession of a lestamentary regence against the presumptive heir.

the duke of Bourbon, being further removed from CHAP, I the royal stem, and of an unassuming character, PART II. took a less active part than his three coadjutors, FRANCE Burgundy, an ambitious and able prince, maintained the ascendancy, until Charles, weary of a restraint, which had been protracted by his uncles till he was in his twenty-first year, took the reins into his own hands. The dukes of Burgundy and Berry retired from court, and the administration was committed to a different set of men at the head of whom appeared the constable de Clisson, , csoldier of great fame in the English wars people rejoiced in the fall of the princes, by whose coactions they had been plundered, but the new ministers soon rendered themselves odious by smilar conduct The fortune of Chsson, after a ·w years favour, amounted to 1,700,000 livres, equal in weight of silver, to say nothing of the depreciation of money, to ten tunes that sum at present \*

Charles VI had reigned five years from his Derengemenority, when he was seized with a derangement Charles VI of intellect, which continued, through a series of 1393 recoveries and relapses, to his death He passed thirty years in a pitiable state of suffering, neglected by his family, particularly by the most nfamous of women, Isabel of Bavaria, his queen, it a degree which is hardly credible. The ministers were immediately disgraced, the princes reassumed their stations. For several years the duke Parus of

1357

Burgunde and Orleans

CHAP I of Burgundy conducted the government PART II. this was in opposition to a formidable rival, Louis duke of Orleans, the king & brother possible that a prince so near to the throne, fiyoured by the queen perhaps with criminal fond ness, and by the people on account of his externagraces, should not acquire a share of power succeeded at length in obtaining the whole management of affairs, wherein the outrageous dissoluteness of his conduct, and still more the execssive taxes imposed, rendered him altogether The Parisians compared his administration with that of the duke of Burgundy, and from that time ranged themselves on the side of the latter and his family, throughout the long distractions to which the ambition of these princes gave birth

> The death of the duke of Burgundy, in 1404 after several fluctuations of success between him and the duke of Orleans, by no means left his party without a head Equally brave and ambi tious, but far more audicious and unprincipled his son John, sunamed Saus-peur, sustained the same contest A reconciliation had been, how ever, brought about with the duke of Orleans they had sworn recipiocal friendship, and partici pated, as was the custom, in order to render these obligations more solemn, in the same communion In the midst of this outward harmony, the duke of Orleans was assassinated in the streets of Pans After a slight attempt at concealment, Burgundy avowed and boasted of the crime, to which he

Murder of the duke of

1407

has been instigated it is said, by somewhat more char i than political jealousy. From this fafal moment, the dissensions of the royal family began to assume the complexion of civil war. The queen, the sons of the duke of Orleans, with the dukes of Berry and Bourbon, united against the assassin But he possessed, in addition to his own apanage of Burgundy, the county of Flanders as his maternal inheritance, and the people of Paris, who hated the duke of Orleans, readily togave, or rather exulted in his munder.

It is easy to estimate the weakness of the government, from the terms upon which the duke of Burgundy was permitted to obtain pardon at Chartres, a year after the perpetration of the crime. As soon as he entered the royal presence, every one rose, except the king, queen, and dau-The duke, approaching the throne, tell on his knees, when a lord, who acted as a sort of counsel for him, addressed the king. "Sire, the duke of Burgundy your cousin and servant is " come before you, being informed that he has in-" curred your displeasure, on account of what he " caused to be done to the duke of Orleans your " brother, for your good and that of your king-"dom, as he is ready to prove when it shall please " you to hear it, and therefore requests you, " with all humility, to dismiss your resentment

after the time, says, vim etiam inferre attentare presumpsit. Notices des Manuscrits du Ros, t. 1 p. 411.

Orients is said to have boasted of the duchess of Burgundy a
favours. Vill t xii p 474 Amel
Kard, jrho wrote about eighty years

. CHAP I " towards him, and to receive him into your fa-PART II. .. vour

This insolent apology was all the atonement FRANCL' that could be extorted for the assassination of the

first prince of the blood. It is not wonderful that the duke of Burgundy soon obtained the management of affairs, and drove his adversaries from the

Civil war lather the Dertie S

capital. The princes, headed by the father-in-law of the coung duke of Orleans, the count of Armagnac, from whom their party was now denominated, raised their standard against him, and the north of I rance was rent to pieces by a protracted civil war, in which neither party scrupled any extremity of pillage or massacre Several times peace was made, but each faction, conscious of then own insincerity, suspected that of their ad-The king, of whose name both availed versames themselves, was only in some doubtful intervals of reason apable of rendering legitimate the acts of either The dauphin, aware of the tyranny which the two parties alternately exercised, was forced, even at the expense of perpetuating a civil war, to balance one against the other, and permit neither to be wholly subdued. He gave peace to the Armagnaes at Auxerre, in despite of the duke of Burgandy, and having afterwards united with them against this prince, and carried a successful

1412 war into Flanders, he disappointed their revenge

1414 by concluding with him a treaty at Arras

This dauphin, and his next brother, died within

<sup>.</sup> Monstrebt, part i 1 112

sixteen months of each other, by which the rank CHAP I devolved upon Charles, youngest son of the king The count of Armagnae, now constable of France, FRANCE retained possession of the government. But his severity and the weight of taxes revived the Burgundian party in Paris, which a rigid proscription had endeavoured to destroy He brought on his head the implacable hatred of the queen, whom he had not only shut out from public aff. Ars. but disgraced by the detection of her gallantnes Notwithstanding her ancient enumers to the duke of Burgundy, she made overtures to him, and being delivered by his troops from confinement, declared herself openly on his side seure persons stole the city keys, and admitted the Burgundians into Paris The tumult which arose showed in a moment the disposition of the inhabit mts, but this was more horribly displayed a few days afterwards, when the populate rushing to the prisons, massacred the constable d. Armagnae and his partizans. Between three and four thousand persons were murdered on this day, which has no parallel but what our own age has witnessed, in the massacre perpetrated by the same ferocious populace of Paris, under circumstances nearly Not long afterwards an agreement took place between the duke of Burgundy, who had now the king's person, as well as the capital, in his hands, and the dauphin, whose party was cufeebled by the loss of almost all its leaders This reconciliation, which mutual interest should have rendered permanent, had lasted a very short monotine

1117

1117

1 1 1. 1414

1419

dake of Bur zunde

· CHAP I time, when the duke of Burgundy was assassi-PARI II nated at an interview with Charles, in his pre-FRANCE' sence, and by the hands of his friends, though not perhaps with his previous knowledge.\* From whomsoever the crime proceeded, it was a deed of infatuation, and plunged France afresh into a sea of penls, from which the union of these factions had just afforded a hope of extricating her

Intrigues of Franch. England

It has been mentioned already, that the English renea make war had almost ecased during the reigns of Richard II and Henry IV The former of these was attached by inclination, and latterly by marriage.

> There are three suppressions conceivable to explain this mi, ortint passage in linear the assessnation of John Sanssport 1 In was pretocked to the duplens trients at the time, and his least maintained no relater, St. Lors, Issues or Page Carp 200 ola 1767 that he rad prong attand the marder of Charles, to Charles own was a lated sell before This is, I think quite enjusteable the daupten had a reat irans near the spot, while he disks was only attended by five friedred rain Villaget in lead and St. Loss in order to throw so pele tempore the duke of Bur, up to smotter a issert that Henry V not used him of having made properties to him which he could not accept without offending Cod and conjecture that this might mean the assassination of the dauphin But the capressions of Henry do not relate to any private proposate of the duke but to demands made by him and the queen, as proxies for Charles VI, in conference for peace, which he says he could not accept without

effenting to dand on recentralia conditions patent. Rymer, tax prime the machine or va clear what this means 2 71 meeth gethales is managed to deliberate a roaterare youth, his to bleness of quart, and especials the conternation in a whole by all testimonies, he was thrown by the every are rathethe cloth explained in the remains ords to conclude that I me and Chastel, end other tocounts of the dauphin, long atto to brothe Orbins faction, who justivers reded the dake as an intimens assassing and might question he smeetly, or their own s fety, it he should regain the as cendant, took advantage of this opportunity to commit an act of ret diation, less criminal, but not less rumous in its consequences than that which had provoked it Charles, however, by his subse quent conduct, recognized their deed, and naturally exposed himself to the resentment of the young duke of Burgundy,

ſ

to the court of France and though the French (HAP I government shewed at first some disposition to PART II revenge his dethronoment, yet the new king's FRANCE success, as well as domestic quarrels, deterred it from any serious renewal of the war commercial connexion had subsisted between England and Flanders, which the dukes of Burgundy, when they became sovereigns of the latter country upon the death of Count Louis in 1384, were studions to preserve by separate truces \* They acted upon the same pacific policy, when their interest predominated in the councils of France had even a negociation pending for the marriage of his cloest son with a princess of Burgundy, t when an unexpected proposal from the opposite side set more tempting views before his eyes magnacs, pressed hard by the duke of Burgundy, offered in consideration of only 4000 troops, the pay of which they would themselves defray, to assist him in the recovery of Guienne and Portou Four princes of the blood, Berry, Bourbon, Orleans, and Alencon, disgraced their names by signing this treaty! Henry broke off his alliance with Burgundy, and sent a force into France, which found on its arrival, that the princes had made a separate treaty, without the least concern for their English allies. After his death, Henry V. engaged for some time in a series of negociations

1412

Rymer, t vni p 511 ! Rymer, t viii pp 726, 737, 111laret, Lans p 174 † Idean Lvns p 721

CHAP I with the French court, where the Orleans parts PARL II now prevailed, and with the duke of Burgunds FRANCE He even secretly treated at the same time for a marriage with Catharine of France, which seems to have been his favourite, as it was ultimately his successful, project, and with a daughter of the duke a duplicity not creditable to his memory \* But Henry's ambition, which aimed at the highest quariy, was not long tettered by negociation and indeed his proposals of marrying Catharine were coupled with such exorbitant demands, as France notwithstanding all her weakness, could not admit though she would have coded Concine, and given a vast down with the princess to He invaded Normandy, took Harfleur, and won the great battle of Azincourt on his march to Calais!

In as coul France le, Henry V 1415

> The flower of French chivalry was moved down in this fatal day, but especially the chiefs of the Orleans party, and the princes of the royal blood met with death or captivity Burgundy had still suffered nothing, but a clandestine nego-

were, at the least, Second, and, by some computations much more numerous. They lost to pool killed, of whem 9,000 were kirzlis er gentlemen Almost as many were made prisoners. The linglish, as cording to Monstrelet, lost 1,600 nen, but their own historians re duce this to a very small number It is curious that the duke of Berry, who advised the I reach to would an action, had been in the battle of Pointers fifty nine years before Vill t xui p. 355

<sup>•</sup> Rymer try | 1 ic

<sup>†</sup> The term is pure lbs Henry a crown of Trance or, it best, reserving Henry's rights to that, Normandy, I. oracae, Mane, Comenne, with the honorge of Britain and Flanders The Irench offered Guienio and Schlonge, and a dowry of hospoor gold crowns for Catharine The English demanded 2,000,000 Rvm t ix p 21

<sup>!</sup> The Luglish army at Azincourt was probably of not more than 15,000 men, the French

ciation had secured the duke's neutrality, though CHAP I he seems not to have entered into a regular PARTII alliance till a year after the battle of Azincomt, fraser when by a secret treaty at Calais, he acknowledged the right of Henry to the crown of France, and his own obligation to do him homage, though its performance was to be suspended till Hemy should become master of a considerable part of the kingdom \* In a second invasion, the English archieved the conquest of Normandy, and this, in all subsequent inegociations for peace during the life of Henry, he would never consent to relin-After several conferences which his degursh. mands rendered abortive, the French court at length consented to add Normandy to the cessions made in the peace of Bretigin, I and the treaty, though labouring under some difficulties, seems to have been nearly completed, when the duke of Burgundy, for reasons unexplained, suddenly came to a reconciliation with the dauphinwhich must have been intended adversely to Henry, would probably have broken off all parley on the subject of peace, if it had not been speedily followed by one still more surprising, the assassination of the duke of Burgundy at Montercau

An act of treachery so apparently unprovoked inflamed the minds of that powerful party, which had looked up to the duke as their leader and pa6d 11 1419

84,0110 1419

<sup>\*</sup>Compare Rym t ix p 34 1 is 304 394. The last reference is to the treaty of Calain

t-Rym t ix p 62H 701 No-

thing can be more modent than the tone of Henry a instructions to his commissioners, p. 628

CHAP. I. tron. The city of Paris, especially, abjured at PART II. once its respect for the supposed author of the FRANCE murder, though the legitimate heir of the crown

A solemn oath was taken by all ranks to revenge the crime, the nobility, the clergy, the parliament vying with the populace in their invectives against Charles, whom they now styled only pretended sor disant dauphin. Philip, son of the assassinated dake, who with all the popularity and much of the ability of his father, did not inherit his depravity, wasansing ited by a paidonable excess of tilial resentment, to ally himself with the king of These passions of the people and the England duke of Burgundy, concurring with the imbecility of Charles VI., and the rancour of Isabel towards her son, led to the treaty of Troves pact, signed by the queen and duke, as proxies of the king, who had fallen into a state of unconscious idiocy, stipulated that Hemy V, upon his marriage with Catharine, should become immediately regent of France, and, after the death of Charles, succeed to the kingdom, in exclusion not only of the dauphin, but of all the royal family . It is unnecessary to remark that these flagitious provisions

Treats of Troves May, 14.0

\* As if through shame on account of what was to tollow, the first articles contain petty stipulations about the dower of Catharine. The mish gives the kingdom of France after Charles's decrease to Heary and his heirs. The seventh concedes the immediate regimy Henry kept. Normandy by right of conquest, not in virtue of any sti-

pulation in the treaty, which he was too proud to admit. The treaty of Iroyes was confirmed by the States General, or rather by a partial convention which assumed the name, in December, 1420 Rvm t x p 30. The parliament of England did the same. Id p. 110. It is printed at full length by Villaret, t xx p 84.

were absolutely invalid. But they had at the time (HAP I the strong sauction of force, and Henry might PARTIL plausibly flatter himself with a hope of establishing FRANCE his own usurpation as firmly in France, as his other's had been in England What neither the comprehensive policy of Edward III, the energy of the Black Prince, the valour of their Knollyses and Chandoses, nor his own victories could attain, now seemed, by a strange vicissitude of fortane, to court his ambition. During two years that Henry , hyed after the treaty of Troyes, he governed the north of France with unlimited authority in the name of Charles VI The latter survived his sonin-law but a few weeks, and the infant Henry VI , was immediately proclaimed king of France and England, under the regency of his uncle the duke ct Bedford

Notwithstanding the disadvantage of a minority, social the English cause was less weakened by the death the accesof Henry, than might have been expected duke of Bedford partook of the same character, and resembled his brother in faults as well as virtues, in his haughtiness and arbitrary temper, as At the accession of in his energy and address Charles VII, the usurper was acknowledged by all the northern provinces of France, except a few fortresses, by most of Guienne, and the dominions The duke of Britany soon afterof Burgundy wards acceded to the treaty of Troyes, but changed his party again several times within a few years. The central provinces, with Languedoc, Poitou, and Dauphine, were faithful to the king.

1423

Causes of the surcess of the Inglish

CHAP I some years the war continued without any decisive result! but the balance was clearly swayed PRANCE in favour of England. For this it is not difficult to assign several causes The animosity of the Parisians and the duke of Burgundy against the Armagnac party still continued, mingled in the former with dread of the king's return, whom they judged themselves to have mexpiably offended had brought forward some accomplished commanders in the English army surpassing, not indeed in valour and enterprize, but in military skill, any whom France could oppose to them. Of these the most distinguished, besides the duke of Bedford himself, were Warwick, Salisbury, and Talbot Their troops, too, were still very superior to the French. But this, we must in candour allow, procecded in a great degree from the mode in which they were raised. The war was so popular in England,"that it was easy to pick the best and stoutest recruits, and their high pay allured men of respectable condition to the service in Rymer a contract of the earl of Salisbury to supply a body of troops, receiving a shilling a day for every man at arms, and sixpence for each archer † This is perhaps equal to fifteen times the sum at our present value of money. They were

Monstrelet, part i f 303 t Rym t r p .92 This contract was for 600 neu at arms, including six bannerets, and thirtyfour bachelors, and for 1,700 archers, bien et suffisamment monter, armer, et arraier comme

a leurs estats appartient. The pay was, for the earl, os 8d a day , her n banneret, 4s , for a bachelor 15 and for each archer, 6d Artillery-men were paid higher than men at arms

bound indeed to furnish their own equipments and CHAP I But France was totally exhausted by her PART II ervil and foreign war, and incompetent to detray FRANCE the expenses even of the small torce which detended the wreck of the monarchy Charles VII lived in the utmost poverty at Bourges \* The no- bility had scarcely recovered from the fatal slaughter of Azincourt, and the infantry, composed of peasants or burgesses, which had made their army so numerous upon that day, whether from mability to compel their services, or experience of their metheacy, were never called into the field came almost entirely a war of partizans town in Picardy, Champagne, Maine, or wherever the contest might be carried on, was a fortress, and in the attack or defence of these garrisons, the vilour of both nations was called into constant This mode of warfare was undoubtedly the best in the actual state of France, as it gradually improved her troops, and flushed them with petty successes. But what principally led to its adoption, was the license and insubordination of the royalists, who, receiving no pay, owned no controul, and thought that, provided they acted against the English and Burgundians, they were free to choose their own points of attack. Nothing can more evidently show the weakness of France, than the high terms by which Charles VII was content to purchase the assistance of some Scottish auxiliaries. The earl of Buchan was made con-

CHAP 1 stable; the earl of Douglas had the duchy of Touraine, with a new title, Lieutenant-General of the FRANCE kingdom At a subsequentatime, Charles offered the province of Saintonge to James I for an aid of 6,000 men These Scots fought bravely for France, though unsuccessfully, at Crevant and Verneud, but it must be owned they set a suffcient value upon their service. Inder all these disadvantages, it would be unjust to charge the French nation with any inferiority of courage even in the most unfortunate periods of this war-Though frequently pame-struck in the field of battle, they stood sugges of their walled towns with matchless spirit and endurance Perhaps some analogy may be found between the character of the French commonalty during the English invision, and the Spaniards of the late peninsular war But to the exertions of those brave nobles who restored the monarchy of Charles VII., Spain has afforded no adequate parallel

It was, however, in the temper of Charles VII Charles VII that his enemics found their chief advantage This prince is one of the few, whose character has been improved by prosperity. During the calamitous morning of his reign, he shrunk from fronting the storm, and strove to forget himself in pleasure Though brave, he was never seen in war, though intelligent, he was governed by flat-Those who had committed the assassination at Montereau under his eyes were his first favountes, as if he had determined to avoid the only measure through which he could hope for better

success, a reconciliation with the duke of Bur-CHAP I The count de Richemont, brother of the PARTIL gundy duke of Britany, who became afterwards one of HANCE. the chief pillars of his throne, consented to renounce the English alliance, and accept the rank of constable, on condition that these favourites Two others, who successhould quit the court sively gained a similar influence over Charles, Richemont publicly caused to be assassinated, assuring the king that it was for his own and the Such was the debasement of morals public good and government, which twenty years of civil war had produced! Another favourite, La Tremouille, took the dangerous office, and, as might be  $\epsilon x$ pected, employed his influence against Richemont, who for some years lived on his own domains, rather as an armed neutral than a friend, though he never lost his attachment to the royal cause

It cannot therefore surprize us, that with all these advantages the regent duke of Bedford had almost completed the capture of the fortresses north of the Long, when he invested Orleans in 1428. If this city had tallen, the central provinces, Sear of Or which were less furnished with defensible places, would have lain open to the enemy, and it is said that Charles VII in despair was about to retire At this time his affairs were into Dauphiné restored by one of the most marvellous revolutions in history. A country girl overthrew the power Joss of Am We cannot pretend to explain the surprizing story of the Maid of Orleans, for, however easy it may be to suppose that a heated and

1424

CHAP I. enthusiastic imagination produced her own visions PART IL it is a much greater problem to account for the FRANCE credit they obtained, and for the success that attended her. Nor will this be solved by the hypothesis of a concerted stratagent, which, if we do not judge altogether from events, must appear hable to so many chances of failure, that it could not have suggested itself to any rational person-However, it is certain that the appearance of Joan of Arc turned the tide of war, which from that moment flowed without interruption in Charless A superstitious awe enter bled the sinews of the English. They hung back in their own country, or deserted from the army, through fear of the incantations, by which alone they conceived so extraordinary a person to succeed \* As men always make sure of Providence for in ally, whatever untoward fortune appeared to result from preternatural causes was at once ascribed to icternal enemies and such bigotiv may be pleaded as an excuse, though a very miserable one, for the detestable murder of this become t

toted morder to resend the forms contained in the stand volume of Nones des Manuscritz da Rehe justly made dus remark, who! is founded on the ragerness show? by the university of Paris in C. prosecution, and on its being for ducted before an inquisitor, 1 circumstance exceedingly remark able in the ecclesiastical history of I ratio. But another material observation arises nut of this The Maid was pursued with pe culter butterness by her country men of the Linglish, or rather But

<sup>\*</sup> living x p 4 4". This however is conjugated for the cause of their deserts is is not numbered to their priefter appear though Ryner I is ponted it in their title. But the disks I field hird speaks of the turn of six ess as astomesting, and due onto to the superstitions too which the English had concerned of a tentale

magician Rymer, ( v. p. 40.)

+ M. de l Averdy, to whem we owe the copious account of the procreding against loan of An ,as well as those which Charles VII mau-

The spirit which Joan of Arc had roused did CHAP, L not subside. France recovered confidence in her PARTIL wn strength, which had been chilled by a long trance ourse of adverse fortune. The king too shook off Perkon us indolence,\* and permitted Richemont to ex-

endom fremon, a proof, that Har their minosity again t puried \ | Was still ardent It is a correst present to topy, of Agnes Sorel mistress of ares VII, had the neart of dis-Chiz has from a long up the k soom as lest, at the time when Officer we besieved in 14. Access Daniel, Volumet, and, I and a correction in stem lastes collections and the columnthat cound some challens among the or Hero with the other is, As in this itemed is long that at a diet Charles by that at Henry, at the that shows how note 100 distoss da greit king. Ha of partitle the counts to be man, Henry VI, ben a p. time could of some of I There to with he tweet 1 to soft mercan served a continue to the cont where On the chairs where For Agrees leads me to Value alabes mean particle Viewdard in third had is some "We fit 11 de, twenty-two years it rathe stege of Orleans. Monstreet says that she had been bed his years in the service of the queen, and the kins tiking the common her liveliness, and witthem fame had spread abroad, if it she hard in concubining with tem. She certainly had a child and was willing that it should be "hought the king s, but he always denied it, et le pouvoit bien avoir imprunte ailleurs pt in f 25 Ulivier de la Marche, another con-

imposery who losed in the court

of Bargendy, case about the year 1411 h Roy contrary Beneat esteve une panyte demonstile, gentalegeme, to might Allin Sorial of na ca fel tamphe et tel pouven questional concernance need frances do line nume, et certe aestot nue des plus letus temmes que perceve or gains of filtering also becaucompount Royanna de Transc. El como etaca e le Royannes acte d'armes, et actifis companyen et doct le les dejuis fut ben save La Marche Mem Hist Cvit p. 14. Du Curry, who moments were first pubhat of notice same collection, says, that Asies is seem paraposin Corpore Private 410 And the continuator of Monstrelet, } = 5.3 by John Charonia, spraks of the youth and learly of Akmes, which exceeds better et any their woman in France and of the tiyour shown her by the king, which s tack or red the high roun of the dampting on his mothers percent that he was suspected of Leving a most her to be pursound follow. The same writer official of Charles VII that how is, before the peace of Arms, demoult belle vie et de vote but aftern ards enladit sa vie de teur malles femmes on sou hostel &c. fol we-

It is for the reader to judge how far these passages under it improbable that Agnes Sorel was the mistress of Charles VII at the segrot Oriennem 1428, and consequently whether she is entitled to the praise which she has re

CHAP I clude his unworthy favourites from the come PART II. This led to a very important consequence. The TRANCE duke of Burgundy, whose alliance with England had been only the fruit of indignation at his fa- ? ther's murder, tell naturally, as that passion wore out, into sentiments more congenial to his birth and interests. A prince of the house of Capet could not willingly see the inheritance of his ancestors transferred to a stranger And he had met with provocation both from the regent and the duke of Gloucester, who, in contempt of all policy and justice, had endeavoured, by an invalid mairiage with Jacqueline countess of Hamault and Holland, to obtain provinces which Burgundy designed for himself Yet the union of his saster with Bedford, the obligations by which he was bound, and most of all, the favour shewn in Charles VII to the assassins of his father, kept him for many years on the English side, although

and in realled to e duke of Durgund

> ceived, of being instrumerad in the deliveration of France. The tradition, however, is is an ient as francial who made in her tomour a quatract which is well known. This probably may have brought the story more into vogue, and led Mezerny, who was not yer, critical, to insert it in his history, from which it has passed to his followers Its origin was apparently the popular character of Agrics. She was the Nell Cowen of I rance and justly beloved, not only for her charity and courtery, but for bringing forward men of ment, and turning ber influence, a virtue very rare in her class, towards the public interest From thence it

was natural to bestow upon her in after-times, amerit not ill such i to bereheater, but which as a curity observation of dates siens to render impossible. But what ever bosour I am compelled ! detract from Agnes Sorel, 1 co willing to transfer undiminished ' a more unblemished female, th injured quecu of Charles VII Mary of Anjou, who has bitherio only shared with the usurper it her rights the credit of awakening ( harles from his lethargy Though I do not know on what founds tion even this rests, it is not unlikely to be true, and, in deference to the sex, let it puss undisputed

addering it less and less assistance. Bift at length (HAP, I he concluded a treaty at Arras, the terms of which PART II he dictated rather as a conqueror, than a subject if the singociating with his sovereign. Charles, however, refused nothing for such an end, and, in a very short time, the Burgundians were ranged with the French against their old allies of England

It was now time for the latter to abandon those have a magnificent projects of conquering France? which the transtemporary circumstances alone had seemed to render teasible But as it is a nateral effect of I good fortune in the game of war, to render a people insensible to its gradual change, the English could not persuade themselves that then affairs were irretrievably declining. Hence they rejected the offer of Normandy and Guienne, subject to the feudal superiority of France, which was made to them at the congress of Arras \* and some years afterwards, when Paris, with the adjacent pro-' vinces, had been lost, the English ambassadors, though empowered by their private instructions to relax, stood upon demands quite disproportionate to the actual position of affairs 1. As foreign ene-

<sup>\*</sup> Villaret says Les plempobittaires de Charles orbrient la o sion de la Normandie et de la Concure en toute propriete, sous la chiuse de Chommage à la couronne 1 xv p 174 But he does not quote his authority, and I do not like to rely on an historian, not emment for accuracy in fact, or precision in language If his expression is correct, the brench must have given up the feudal ap-

peal areasont, who labelled th great point andispute between 14 ward III and Charles \ preserving only a homage per per igner, as it was cilled, which english no retual supermary. Monstrilet says only, que per certaines conditions luy serment accorders les seignen ries de Comonne et Normandie

f See the instructions given to the English negociators in 1439, at length, in Rymer, t x p 724

They lose all thou con-

quests

CHAP. I. mies, they were odious even in that part of France PART II. which had acknowledged Henry,\* and when the FRANCE duke of Burgundy deserted their side, Paris and every other city were impatient to throw off the yoke A feeble monarchy, and a selfish council, completed their ruin the necessary subsidies were 1449 raised with difficulty, and, when raised, misapplied It is a proof of the exhaustion of France, that Charles was unable, for several years, to reduce Normandy or Guienne, which were so ill provided for defence'! At last he came with collected strength to the contest, and breaking an arimistics upon slight pretences, within two years overwhelmed the English garrisons in each of these provinces. All the inheritance of Henry II and Eleanor, all the conquests of Edward III and Henry V except Calais and a small adjacent district, were irrecoverably forn from the crown of England " A barren title, that idle trophy of disappointed ambition, was preserved, with strange obstinacy, to our own age

Condition of Impre duing the hab ware

In these second English wars, we find little left of that generous feeling, which had, in general, distinguished the contemporaries of Edward III The very virtues which a state of hostility promotes are not proof against its long continuance, and sink at last into brutal herceness Revenge and

the delay in recovering Normands solely to the king a slothfulness and sensuality. In fact, the people of the province rose upon the English and all the province rose upon the English and the Province rose upon the Province rose upo lish, and almost emancipated them selves with little and flose Charles

<sup>\*</sup> Villaret, L xiv p. 448.

<sup>+</sup> Ametgard, from whose unpubinhed memoirs of Charles \11 and Louis XI some valuable ex-tracts are made in the Notices des Manuscrits, t 1 p. 408 attributes

fear excited the two factions of Orleans and CHAP. I Burgundy to all atrocious actions. The troops PART II serving under partizans on detached expeditions, FRANCE. according to the system of the war, lived at free guarters on the people The histories of the time are full of their outrages, from which, as is the common case, the unprotected peasantry most suffered.\* Even those laws of war, which the courteous sympathies of chivalry had enjoined, were disregarded by a merciless fury. Garrisons surrendering after a brave defence were put to death Instances of this are very frequent. Henry V excepts Alam Blanchard, a citizen who had distinguished himself during the siege, from the capitulation of Rouen, and orders him to execution At the taking of a town of Champagne, John of Luxemburg, the Burgundian general, stipulates that every fourth, and sixth man should be at his discretion, which he exercises by causing them all to be hanged t

Ecorcheurs, breause they stripped the people of their shirts And this name superseded that of Armagnates, by which one side had hitherto been known. I ven Nain trailles and La Hire, two of the bravest champions of I raine, were disgraced by these habits of mitrage. Ibid fol 144-150-173. Ohy de la Marche, la Collect des

Memoires, t viii p 25 Lv p 32J. Pour la plupart, says Villaret, se faire guerrier, ou voleur de grands chemina, significit la meme chuse

† Monstrelet, part ii f 79 This John of Luxemburg, count de Lagny, was a distinguished captain on the Burgundan side, and for a long time would not acquiesce in the treaty of Arras He disgraced

Monstrelet passim A long rational complaint of the people of I rance, curious as a specimen of umi ation, as well as a testimony to the misfortunes of the time, may be found in this historian part 1 fol 321 Notwithstanding the treaty of Arras, the French and liurgundians made continual incursions upon each other's fronin the ermandors. So that the people had no help, says Monstre-4 Dieu leur croateur vengeauce, rt que pas estoit, quand us obte-noient sucun sant-conduit d'aucuns capitaines peu cu estoit entretens, meamement tout d'un parti. pt. u i 139 These pillagers were called

CHAP I Four hundred English from Pontoise, stormed by PART II Charles VII, in 1441, are paraded in chains and KRANOZ, naked through the streets of Paris, and thrown afterwards into the Seine This infamous action cannot but be ascribed to the king.\*

Subsequent events in the reign of

At the expulsion of the English, France emerged from the chaos with an altered character and new Charles VII features of government The royal authority and supreme jurisdiction of the parliament were universally recognized Yet there was a tendency towards insubordination left among the great nobility, arising in part from the remains of old fende privileges, but still more from that lax administry tion, which, in the convulsive struggles of the war, had been suffered to prevail In the soul were some considerable vassals, the houses of Fox, Albret, and Armagnac, who, on account of their distance from the seat of empire, had always maintained a very independent conduct. dukes of Britany and Burgundy were of a more formidable character, and might rather be ranked among foreign powers, than privileged subjects The princes, too, of the royal blood, who, during the late reign, had learned to partake or contend for the management, were ill-inclined towards Charles VII, himself jealous, from old recollec-

> himself by giving up to the duke of Bedford his prisoner bonn if Are for 10,000 featers. The futuous count of 't I'd was his nephrie. and spherited his great possessions in the rounty of Vermandons, Monstrelet relates a augular prior of the good education which his truck

gave him. Some prisoners has no becu made in an engagement of fut le jeune comte de St. Pol mo en vove de guero, cur le comte de Ligur son outle luy en fest occur aucuis, h quel y prenoit grand plaint part ii fol 115 Villaret, 1 24 p 327

tions, of their ascendency. They saw that the CHAP I. constitution was verging rapidly towards an abso- PART II lute monarchy, from the direction of which they FRINCE would studiously be excluded. This apprehension gave rise to several attempts at rebellion during the reign of Charles VII and to the war, commonly entitled, for the Public Weal du bien public, under Louis XI. Among the pretences alledged by the revolters in each of these, the inpuries of the people were not forgotten,\* but from the people they received small support Weary of civil dissension, and anxious for a strong government to secure them from depredation, the breach had no inducement to entrust even their ical grievances to a few malcontent princes, whose regard for the common good they had much reason to distrust Every encounstance favoured Charles VII and his son in the attainment of arbitrary The country was pillaged by military Some of these had been led by the ruffians dauphin to a war in Germany, but the remainder still infested the high roads and villages - Charles established his companies of ordonnance, the basis of the French regular army, in order to protect the country from such depredators. They consisted

king claims the right, in urgent

cases, of lerying taxes without waiting for the consent of the

States general

may be found at length in Monstre let, p in f 193, and are a currous document of the change which was then working in the I rench constitution. In his answer, the

<sup>\*</sup> The confederacy formed at vesters in 1441, by the slukes of Orleans and Bourbon, with many other princes, made a variety of demands, all relating to the greevances which different classes of the state, or individuals among themselves, suffered under the adnimistration of Charles These

CHAP, I. of about 'nine thousand soldiers, all cavalry, of PART II whom fifteen hundred were heavy-armed; a force FRANCE, not very considerable, but the first, except mere body-guards, which had been raised in any part of Europe, as a national standing army.\* These troops were paid out of the produce of a permament tax, called the taille, an innovation still more important than the former. But the present . benefit cheating the people, now prone to submissive habits, little or no opposition was made, except in Guienne, the inhabitants of which had speedy reason to regret the mild government of England, and vainly endeavoured to return to its protection †

> Ohwer de la Marche specks very much in favour of the companes of ordonnance is having repressed the plunderers, and restored internal poince. Collect des. Memoires t. viii. p. 149 Ameigani pronounces a velopment philippic against them, but it is probable that his observation of the abuses they had fall u into was confined to the ream of Louis XI. Notices des Manuscrits, ubi supra.

> t The mournection of Comenne in 1452, which for a few months restored that province to the Lagbah crown, is accounted for in the curious memoirs of Amelgard, above mentioned. It proceeded solely from the arbitrary taxes im-posed by Charles VII in order to defray the expenses of his regular army The people of Hor-dasux complained of exactions not only contrary to their ancient privaleges, but to the positive roadtions of their capitulation little the king was deaf to such remon

The provide of Gu cone, he says, then perceived that it was meant to subject at to the sainwere the lies begin the state boldly ma utam, 18 a fubilamental maxim that the king bus a right to tax all he subjects, how and when he pleases, which is to advance that in Irance no muo has any thou, that he can call his own, and the the king can take all at his pleasure, the proper condition of slaves, whose peculium emoyed in their master's permission belongs to him, like their persons, and may be taken away whenever he chases. Thus situated, the people of Guicane, especially those of liordeaux, alarmed themselves and excited by some of the noliiny, secretly sought about for means to regain their ancient freedom, and having still many compexions with persons of rank in Lingland, they negotiated with them, &c. Notices des Manu-

It was not long before the new despotism exhi- CHAP. I bited itself in its harshest character. Louis XI PART II son of Charles VII. who, during his father's reign, FRANCE. had been connected with the discontented princes, Louis VI came to the throne greatly endowed with those 1461 virtues and vices, which conspire to the success of ter. a king Laborious vigilance in business, contempt of pomp, affability to inferiors, were his excellencies, qualities especially praiseworthy in an age characterized by idleness, love of pagcantry, and insolence. To these virtues he added a perfect knowledge of all persons emment for talents or influence in the countries with which he was connected, and a well-judged bounty, that thought no expense wasted to draw them into his service In the fifteenth century, this political or interest art had hardly been known, except perhaps in Italy, the princes of Europe had contended with each other by arms sometimes by treathery, but never with such complicated subtlety of intrigue Of that insidious cunning, which has since been bringht to perfection, Louis XI may be deemed not absolutely the inventor, but the most eminent improver; and its success has led perhaps to too Like most bad high an estimate of his abilities men he sometimes fell into his own snare, and was betrayed by his confidential ministers, because his confidence was generally reposed in the wicked.

scrite, p. 433 The same cause is assigned to this revolution by Du living in the dominions of Burgundy Collection des Mamoures, L. ix p. 400 Villaret has not known, or not chosen to know, any thing of the matter.

leigue de amanin ited of the Pari he West

41461

CHAP. I And his distimulation was so notorious, his tyranni so oppressive, that he was naturally surrounded by MANCE enemies, and had occasion for all his craft to elude those rebellions and confederacies which might perhaps not have been raised against a more upright sovereign. At one time the monarchy was on the point of sinking before a combination, which would have ended in dismembering France the league denominated of the Public Weal, in which all the princes and great vassals of the French crown were concerned—the dukes of Butany, Burgundy, Alencon, Bourbon, the count of Danois, so renowned for his valour in the English wars, the families of Forwand Armagnac, and, at the head of all, Charles duke of Berry, the king's brother and presumptive heir So unantmous a combination was not formed without a strong provocation from the king, or it least without weighty grounds for distrusting his intentions, but the more remote cause of this confederacy, as of those which had been raised against Charles VII, was the critical position of the feudal aristocracy from the mereasing power of the crown This war of the Public Weal was in fact a struggle to preserve then independence, and from the weak character of the duke of Berry, whom they would, if successful, have placed upon the throne, it is possible that France might have been in a manner partitioned among them, in the event of their success, or at least that Burgundy and Britany would have thrown off the sovereignty that galled them.

The strength of the confederates in this war

much exceeded that of the king , but it was not CHAP I judiciously employed, and after an indetisive battle PART II. at Monthery, they fuled in the great object of FRINCE reducing Paris, which would have obliged Louis to fly from his dominions. It was his policy to promise every thing, in trust that fortune would afford some opening to repair his losses, and give scope to his superior prudence. Accordingly by the treaty of Conflans, he not only surrendered atresh the towns upon the Somme, which he had lately redeemed from the duke of Burgundy, but invested his brother with the duchy of Normandy as his apanage

This always consisted of lands and feudal superiotities, held of the crown by the tenure of peerage It is evident, that this usage, as it produced a new class of powerful feudataries, was hostile to the interests and policy of the sovereign, and retarded the subjugation of the ancient aristocracy at usage coeval with the monarchy was not to be abrogated, and the scarcity of money rendered it impossible to provide for the younger branches of the royal family by any other means. It was restrained, however, as far as circumstances would Philip IV declared that the county of

Potters, bestowed by him on his son, should revert to the crown on the extinction of male heirs. But this, though an important precedent, was not, as has often been asserted, a general law Charles V. limited the apanages of his own sons to twelve

for the younger children of a king of France

The term apanage denotes the provision made Apanage

CHAP I. thousand livres of annual value in land. By means PART II. of their apahages and through the operation of the FRANCE Salic law, which made their inheritance of the crown a less remote contingency, the princes of the blood royal in France were at all times ifor the remark is applicable long after Louis XI.1 a distinct and formidable class of men, whose influence was always disadvantageous to the reighing monarch, and, in general, to the people.

No apanage had ever been granted in France so enormous as the duchy of Normandy. One third of the whole national revenue, it is declared, was derived from that rich province Louis could not therefore sit down under such terms, as, with his usual insincerity, he had accepted at Conflan-In a very short time he attacked Normandy, and easily compelled his brother to take refuge in Britany; nor were his enemies ever able to procure the restitution of Charles's apanage. During the rest of his reign, Louis had powerful coalitions to withstand, but his prudence and compliance with circumstances, joined to some mixture of good fortune, brought him sately through his perils. duke of Britany, a prince of moderate talents, was unable to make any formidable impression, though generally leagued with the enemies of the king. The less powerful vassals were successfully crushed by Louis with decisive vigour: the duchy of Alencon was confiscated, the count of Armagnac was assassinated the duke of Nemours, and the constable of St. Pol, a politician as treacherous as Louis, who had long betrayed both him and the

duke of Burgundy, suffered upon the scaffold CHAP.I. The king's brother, Charles, after disquieting him PART II. for many years, died suddenly in Guienne, which FRANCE had finally been granted as his apanage, with strong suspicions of having been poisoned by the ling's contrivance Edward IV. of England was too dissipated and too indolent to be fond of war; and, though he once entered France with an army 1475 more considerable than could have been expected after such civil bloodshed as England had witnessed, he was induced, by the stipulation of a large pension, to give up the enterprize terrible was still in France the apprehension of an English war, that Louis prided himself upon no part of his policy so much as the warding this Edward shewed a desire to visit Paris, but the king gave him no invitation, lest he said, his brother should find some handsome women there, who might tempt him to return in a dif-Hastings, Howard, and others of terent manner Edward's ministers, were secured by bribes in the interest of Louis, which the first of these did not scruple to receive at the same time from the duke of Burgundy.t

1472

 The army of Edward consusted of 1,500 men at arms, and 14,000 archers, the whole very well-up arners, the whole very will-np pointed. Commes, t xi p 438. There seems to have been a great expectation of what the Legish would do, and great fears entertained by Louis, who grudged no expense to get rid of them.

† Commes, I, vi c 2. Hastings but the mean comme to refuse to

give his receipt for the pension he took from Louis VI. "This present, he said to the king a agent, comes from your master's good pleasure, and not ut my request, and from mean I should recover it, you may put it here into my sleeve, but you shall have no discharge from me, for I will not have it said, that the Great Chamberlain of England is a penmoner of the CHAP I PART II. -House of Burgundy Its succes MY ACQUISE trops

This was the most powerful enemy whom the craft of Louis had to counteract. In the last days FRANCE of the feudal system, when the house of Capet had almost atchieved the subjugation of those proud vassals among whom it had been originally numbered, a new antagonist sprung up to dispute the field against the crown John, king of France granted the duchy of Burgundy, by way of apanage, to his third son, Philip By his marriage with Margaret, heriess of Louis, count of Planders, Philip acquired that province, Artors, the county of Burgundy, or Franche-comite, and the Philip the Good, his grandson, who carried the prosperity of this family to its height. possessed himself by various titles, of the seviral other provinces which composed the Nether These were fiefs of the empire, but latterly not much dependent upon it, and alienated by their owners without its consent. At the peace of Arias, the districts of Macon and Auxerre were absolutely ceded to Philip, and great part of Picardy conditionally made over to him, redeemable on the payment of four hundred thousand crowns. These extensive, though not compact

> king of France, nor have my meme appear in the bunks of the

have been inserted to gritify the profe of Philip, as historians sur pass. Is it not probable, that during his rescutment again . Charles, he might have made some sow never to do him homage which this reservation to the treats was intended to preat LAC ,

It is remarkable that Villand save, the duke of Burgunds was

Chambre des Comptes Ibid
The duke of Burgundy was personally excused from all homage and service to Charles VII. but, if either died, it was the paid by the heir, or to the her Accordingly, on Charles a death, Philip did hornage to Louis. This exemption can hardly therefore

dominions, were abundant in population and CHAP. I wealth, fertile in corn, wine, and salt, and full of PART IL commercial activity. Thirty years of peace which FRANCE followed the treaty of Arras, with a mild and free government, raised the subjects of Burgundy to a degree of prosperity, quite unparallelled in these times of disorder, and this was displayed in gemeral sumptuousness of dress and feasting. The court of Philip and of his son Charles wat distinguished for its pomp and riches, for pagennts and tournaments, the trappings of chivalry, perhaps without its spirit for the military character of Burgundy had been unpaired by long tranquil-

During the lives of Philip and Charles VII Charles each understood the other's rank, and then amity like a But then successors, the Brands was little interrupted most opposite of human kind in character, had one common quality, ambition, to render their antipathy more powerful. Louis was emmently

statively excused by the 2-ch article of the peace of Arrive to in doing homage to Charles, or his successors kings of France C xvi serms to quote the Tresser des Chartes, where probably the oresmal treaty is preserved. Nevertheless, it appears otherwise, as published by Monstrelet at full length, who could have no mot to to falsify it, and Philip's conduct in doing homage to laws is hardly compatible with Villant's assertion. Daniel copies Monstrelet without any observation. In the same treaty, Philip is cutiled, Duke by the grace of God, which

was reckoned a mark of independence, and not usually parmatted to a vesil

\* Pdc Commes, lise 2 and 3 , 1 v i 4 Du Chreq, in Colliction des Momines, i ix p 200. In the investiture granted by John to the first Philip of Burgoody, a reservation is made, that the royal taxes shall be levied throughout that apanage. But dicting the long toutility between the kingdom and duchy, this could not have been enforced, and by the treaty of Arras Charles surrendered all right to tax the duke a dominions Moustrelet, f 114

CHAP I trand and suspicious in policy; Charles intrepid PART II beyond all men, and blindiy presumptuous: Louis PRANCE stooped to any humiliation to reach his aim. Charles was too haughty to seek the fairest means of strengthening his party. An alliance of his daughter with the duke of Guienne, brother of Louis, was what the malecontent French princes most desired, and the king most dreaded, but Charles, either averse to any French connexion, or willing to keep his daughter's suitors in dependence, would never directly accede to that, or any other proposition for her marriage. On Philip's death, in 1467, he inherited a great treasure, which he soon wasted in the prosecution of his achemes. These were so numerous and vast, that he had not time to live, says Comines, to complete them, nor would one halt of Europe have contented him. It was his intention to assume the title of King; and the emperor Frederick III. was at one time actually on his road to confer this dignity, when some suspicion caused him to retire, and the project was never renewed.\* It is evident that if Charles's capacity had borne any proportion to his pride and courage, or if a prince less politic than Louis XI had been his contemporary in France, the province of Burgundy must have been lost to the monarchy For several years these

chancellor, used menaces terrards him, interrupted the orator with these words. Je veux que chaqua scuche que, as J'enane veulu-je fasse ros Villaret, L zvis p. 44

<sup>&</sup>lt;sup>®</sup> Chermier, t xvm p 62 lite observable, that Comines says not a word of thus, for which Garnier seems to quote Belearnes, a writer of the sixteenth age. But even Philip, when Morvilliers, Loun's

great rivals were engaged, sometimes in open hos- CHAP, I. ulity, sometimes in endeavours to overreach each PART IL other, but Charles, though not much more scru- FRANCE. pulous, was far less an adept in these mysteries of politics than the king

Notwithstanding the power of Burgundy, there Insubords were some disadvantages in its situation. It pre- Henrich sented. I speak of all Charles's dominions under the "" common name, Burgundy a very exposed frontier on the side of Germany and Switzerland, as well as France, and Louis exerted a considerable influence over the adjacent princes of the empire, as The people of Liege, well as the united cantons a very populous city, had for a long time been continually rebelling against their bishops, who were the allies of Burgundy. Louis was of course not backward to foment their insurrections, which sometimes gave the dukes a good deal of trouble. The Flennings, and especially the people of Ghent. had been during a century noted for their republican spirit and contumacious defiance of their so-Liberty never wore a more unamiable countenance than among these burghers, who abused the strength she gave them by cruelty and insolence. Ghent, when Froissart wrote, about the year 1400, was one of the strongest cities in Europe, and would have required, he says, an army of two hundred thousand men, to besiege it on every side, so as to shut up all access by the Lys and Scheldt. It contained eighty thousand men of age to bear arms; a calculation which

Fromart, part is c 67

CHAP I. although, as I presume, much exaggerated, is evi-PART II. dence of great actual populousness Such a cm TRANCE was absolutely impregnable, at a time when artillery was very imperfect both in its construction and management. Hence, though the citizens of Gheat were generally beaten in the field with great slaughter, they obtained tolerable terms from their master-, who knew the danger of forcing them to a desperate defence

No taxes were raised in Flanders, or indeed throughout the dominions of Burgundy, without consent of the three estates In the time of Philip, not a great deal of money was levied upon the people, but Charles obtained every year a pretry large subsidy, which he expended in the hire of Italian and English increan mes \* An almost un

in the lands of a resourt. Grand done taisment his suger et pour passaure rusous, de si notire en colo operation voyorest le room ne de l'rine : considers a prosidiarnes . A verite, hour grand doute n'estoit posains consecute quantities from a cinq cens hommes d'armes, les lente lay vint d'en avoir plus, et 1 plus terrdiment cutreprendre tre tous ses voisins. Commes l m ( 4 9

Dir Clered, a contemporary weter of very good authority, mintioning the story of a certain wide w who had re-married the day after her husband's de ath, says that sto was in some degree excuseable breauer it was the practice of the duke and his officers to force rich widows it to marrying their sol diers or other servants, t. ix p. 418

Commes, Live 1. It was very reluctively that the Hermins granted are money. Philip on a begged for a tax on sidt, promising never to ask my thon, more, but the people of Ghent, and, in this tation of them, the whose county refused it. De Clercy, p. 369. I pon his pretence of taking the cross, they granted him a subside, though less than he had requested on condition that it should not be levied, if the crusade of donor take place, which put an end to the attempt. The states know well, that the duke would employ my mercy they gave him in keeping up a body of gens darmes the hie neighbour, the king of Iriner, and, though the want of such a force exposed their country to jullage, they were too good patriote to place the means of enslaving it

1476

interrupted success had attended his enterprizes for CHAP, I a length of time, and rendered his disposition still PARTIL more over-weening. His first failure was before FRANCE Nuz, a little town near Cologne, the possession of which would have made him nearly master of the whole course of the Rhine for he had already obtained the landgraviate of Alsace. Though compelled to raise the siege, he succeeded in occuoving, next year, the duchy of Lorraine overthrow was reserved for an enefus whom he despised, and whom none could have thought equal to the contest. The Swiss had given himsome slight provocation, for which they were roady to atone, but Charles was unused to forbear, and perhaps Switzerland came within his At Granson in the Pays de Deteats of projects of conquest Vand, he was entirely routed, with more disgrace thanks a than slaughter \* But, having reassembled his and Moral troops, and met the confederate army of Swiss and Germans at Morat near Friburg, he was again dehated with vast loss. On this day the power of Bargundy was dissipated descrited by his allies, betrayed by his mercenaries, he set his life upon another cast at Nancy, desperately giving battle to the duke of Lorraine with a small dispirited its death army, and perished in the engagement

Now was the moment, when Louis, who had claim of held back while his enemy was breaking his force Louis VI to

changes of owners, most of whom

were ignorant of its value, it became the first jewel in the French crown Garnier, t xv ii p 161.

<sup>4</sup> famous diamond, belonging to ( haries of Hurgundy, was taken in the plunder of his tent by the Wiss at Granson After several

PARI 11

udn of Bur gundy

CHAP I against the rocks of Switzerland, came to gather a harvest which his labour had not reaped. Charles FRANCE left an only daughter, undoubted heiress of Fluiders and Artors, as well as of his dominions out of France, but whose right of succession to the duchy of Burgundy was more questionable. ginally, the great fiels of the crown descended to females, and this was the case with respect to the two fifst mentioned. But John had granted Burgundy to his son Philip by way of apanage, and it was contended that apanages reverted to the crown in default of male heirs. In the form of Philip sinvestiture, the duchy was granted to him and his lawful heirs, without designation of sex-The construction therefore must be left to the established course of law. This, however, was by no means acknowledged by Mary, Charles's daughter, who maintained, both that no general law restricted apanages to male heirs, and that Burgundy had always been considered as a feminine hef, John himself having possessed it, not by reversion as king, for descendants of the first dukes were then living, but by inheritance derived through females \* Such was this question of suc-

is refuted by frequent ansiances of female succession, thus Artois hid passed by a daughter of Louis i As to the above mentioned uni naires, the first applies only to if county of Postiers, the second does not contain a syllable that relates to succession (Orden numes des Rous, L. vs. p. 54 : The doctrine of excluding female here

It is advanced with too much confidence by several brench has torians, either that the ordinances of Philip IV and Charles V conattituted a general law against the discent of apanages to female beirs, or that this was a fundamental law of the monarchy 130 Clos, Hist de Louis XI t n p 252 Garnier, Hist de France, 1 avin p 258 The latter position

cession between Louis XI, and Mary of Burgundy, CHAP 1 upon the merits of whose pretensions I will not PARI II pretend altogether to decide, but shall only ob- prevenserve, that if Charles had conceived his daughter to be excluded from this part of his inheritance. he would probably, at Conflans or Peronne, where he treated upon the vantage-ground, have attempted at least to obtain a renunciation of Louis 8 dam

There was one obvious mode of preventing all conversafurther contest, and of aggrandizings the French monarchy far more than by the reunion of Bur-This was the marriage of Mary with the dauphin, which was aidently wished in France Whatever obstacles might occur to this connexion, it was natural to expect on the opposite side, from Mary's repugnance to an infant husband, or from the jealousy which her subjects were likely to entertain, of being incorporated with a country worse governed than their own The arts of Louis would have been well employed in smoothing ciese impediments. But he chose to seize upon

was more consonant to the prelended Salie law, and the recent principles as to inalignalidity of domain, than to the analogy of findal rules and precidents. M. Gaillard, in his Observations our Histoire de Velly, Villaret, et Carnier, has a judicious note on

this subject, t in p 304

Robertson, as well as some other moderns, have maintained on the authority of Commes, that Louis Al ought in policy to have married the young princess to the

count of Angonierie, father of From \$1, a comess in which she would not have distinct. But certainly nothing could have been more adverse to the interess of the I reach monarchy than soil a mariage, which would have put a to w house of Burgundy at the head of those princes, whose confeder tises had wolten andan ared the crown. Commercia one of the most gaidscrow of historians, but his since rity may be rather doubtful in the opiuma above mentioned, for he

CHAP I, as many towns as, in those critical circumstances PARL II lay exposed to him, and stripped the young FRANCE, duchess of Artors and Franche-Comte. Expectations of the marriage he sometimes held out, but as it seems, without sincerity Indeed he contrived irreconcileably to alienate. Mary by a shameful perfidy, betraying the ministers whom she had entrusted upon a secret mission, to the people of Ghents who put them to the torture, and atterwards to death, in the presence and aimidst the tears and supplications of their mistress the French alliance becoming odious in France

this princess married Maximilian of Austria, son 1477 of the emperor Frederic, a connection which Louis strove to prevent, though it was impossible then to foresee that it was ordained to retaid the growth of France, and to bias the fate of Europe during three hundred years. This war lasted till after the death of Mary, who left one son Philip, and one daughter Margaret By a treaty of peace concluded at Arras, in 1482, it was agreed that this daughter should become the dauphin's wife, with Franche-Comté and Artors, which Louis held already, for her dowry, to be restored in case the marriage should not take effect The homage of Flanders, and appellant jurisdiction of the parliament over it, were reserved to the crown.

Meanwhile Louis was lingering in disease and torments of mind, the retribution of fraud and

wrote in the reign of ( harles V III engaged in the suspe faction as when the count of Angouleme was

tyranny Two years before his death he was struck CHAP I with an apoplexy, from which he never wholly PART II recovered. As he falt his disorder increasing, he france shut himself up in a palace near Tours, to hide from the world the knowledge of his decline. His solitude was like that of Tiberius at Capreie. full of terror and suspicion, and deep consciousness of universal hatred All ranks, he well knew, had their several injuries to remember the clergy. whose liberties he had sacrificed to the see of Rome, by revoking the Pragmatic Sauction of Charles VII , the princes, whose blood he had poured upon the scaffold, the parliament, whose course of justice he had turned aside, the commons, who groaned under his extortion, and were plundered by his soldiery ! The palace, fenced with portcullises and spikes of iron, was guarded by archers and cross-bow men, who shot at any that approached by might - Few entered this den, but to them he shewed himself in magnificent pparel, contrary to his former custom, hoping thus to disguise the change of his meagre body

wherem he tells us that Charles VII had never raised more than 1, av jost francs a verr intixes, but Louis XI at the time of his death raised 4,700,000, exclusive of some military impositions, et surement c'estoit compaisson de voir et scavoir la pouvrete du peuple In this chapter he declares his opinion, that no king can justly lesy money on his subserts without their consent, and repels all common arguments to the contrary.

For Louis's illness and death, we Commes, I vi c 7-12, and Garmer, t xix p 112, &c Ples sis, his last residence, about in Lugish mile from Tours, is now a dilapidated farm-house, and can never have been a very large building The vestiges of royalty about it are few, but the principal apartments have been destroyed, either in the course of ages, or at the revolution

<sup>†</sup> See a remarkable chapter in l'hittp de Commes, I iv c 19

PHANCE.

CHAP I distrusted 400 male issue, was the object of as and his serrs as Mary of Burgundy

even to raichy of Britany was peculiarly circumcome a. The inhabitants, whether sprung from des ancient republicans of Armorica, or, as some were thought, from an emigration of Britons curing the Saxon invasion, had not originally nolonged to the body of the French monarchy notes were governed by their own princes and news, though tributary, perhaps, as the weaker to the stronger, to the Merovingian kings \* In the minth century, the dukes of Britany did homage to Charles the Bald, the right of which was transferred afterwards to the dukes of Normandy This formality, at that time no token of real subjection, led to consequences beyond the views of either party. For when the fendal chains, that had hung so loosely upon the shoulders of the great vassals, began to be straitened by the dexterity of the court, Britany found itself drawn among the rest to the same centre. The old privileges of independence were treated as usurpation, the dukes were menaced with confiscation

It is hinted, indeed, that they had been formerly subject, for after a victory of Louis over them, Nigel his says, Imperio social perdita regus die In the next reign of Charles the Hald Hincmar tells us, regnum undique a l'agants, et falsis Christianis, scilicet Britonbus, est cirums ciptum Fpist 18 See too Capitularia Car Calvi A D 877 m 23

<sup>&</sup>quot; fin core of Tours says that the limitons were subject to I runs from the death of Closes, that that their thick were styled county not kings, law c.4. However, it seems clear from Nigeline a writer of the lift of Louis the Debonair, that they were almost independent in his time. There was even a much of the Britannic frontier. which separated it from France and they had a king of their own

of their fief, their right of coming money disputed, (HAP I then jurisdiction impaired by appeals to the par- LART II However they stood boldly FRANCE hament of Paris upon their right, and always refused to pay lugehomage, which implied an obligation of service to the lord, in contra-distinction to simple homage, which was a mere symbol of feudal dependence.

About the time that Edward III made pretension to the crown of France, a controversy somewhat resembling it arose in the duchy of Britany, between the families of Blois and Montfort ted to a long and obstinate war, connected all dong, as a sort of underplot, with the great drama 4 Prance and England At last, Montfort, Edwird's ally, by the defeat and death of his antacourst, obtained the duchy, of which Charles V soon after gave him the investiture This prince aid his family were generally inclined to English connexions, but the Bretons would seldom permit Two cardinal feelings them to be effectual guided the conduct of this brave and faithful the one, an attachment to the French bation and monarchy in opposition to foreign encines, the other, a zeal for their own privileges, and the family of Montfort, in opposition to the encroachments of the crown In Francis II, the present duke, the male line of that family was about to be extinguished. His daughter Anne was naturally the object of many suitors, among whom were particularly distinguished the duke of Orleans,

<sup>·</sup> Illiant Can part Ext p 199

PART II.

lord of Albret, a member of the Gascon family of Forx, favoured by the Breton poblity, as most likely to preserve the peace and liberties of their comtry, but whose age rendered him not very acceptable to a youthful princess, and Maximilian, king of the Romans Britany was rent by factions, and overrun by the aimies of the regent of France, who did not lose this opportunity of interfering with its domestic troubles, and of persecuting her private enemy, the duke of Orleans. Britany, upon her father's death, finding no other means of escaping the addresses of Albret, was married, by proxy, to Maximilian This however aggravated the evils of the country, since France was resolved at all events to break off so dangerous And as Waximilian himself was a connexion unable, or took not sufficient pains, to relieve his betrothed wife from her embarrassments, she was ultimately compelled to accept the hand of Charles VIII. He had long been engaged by the treaty of Arras, to marry the daughter of Maximilian and that princess was educated at the French court But this engagement had not prevented several years of hostilities, and continual intrigues with the towns of Flanders against Maximilian The double injury which the latter sustained in the marriage of Charles with the heiress of Britany

seemed likely to excite a protracted contest, but the king of France, who had other objects in view, and perhaps was conscious that he had not acted

1489

Marriage of Charles VIII to the duchess of Hotany

a fair part, soon came to an accommodation, by CHAP I which he restored Artors and Franche-Comté

France was now equisolidated into a great king- FRANCE the feudal system was at an end ugour of Philip-Augustus, the paternal wisdom of St Louis, the policy of Philip the Fair, had laid the foundations of a powerful monarchy, which neither the arms of England, nor seditions of Paris, nor rebellions of the princes, were able to shake Besides the original nets of the French crown, it had acquired two countries beyond the Rhone, which properly depended only upon the empire, Dauphiné, under Philip of Valois, by the bequest et Humbert, the last of its princes, and Provence, under Louis XI by that of Charles of Amou\*

1492-

 The country nowedled Dec proceedings of the kind on 2 Orles or Present a Jaquenthed on Radolph III to the capterer Carel II But medication t 'm empire over these new requireas hear, bittle more than to an ly efew of the chief nobility conented their respective field into morporder to principal to see Our of these was the ford, or daughin O Vienne, whose family became than tely masters of the whole province. Humbert, the last of these, made John son of Philip f Valore, his heir, on condition that Dauphine should be constantiv preserved as a semerati pessession, not incorporated with the kingdom of Irance hequest was confirmed by the emperor Charles IV whose supre Biney over the province was thus

recognized by the kings of France,

though it soon came to be altogethe ridism parched

Processor, like Dauphine, was characteristic attended dependency to a southeranty in the weakness and descolution of the kingdom of Arles, about the early part of the eleventh century. By the marring of Done, herees of the hear thin of somereign counts with Raymond Berenger, count of Barcolour, in 1112, it passed into that di-unguished timels. In 1167, it was occupied or usurped by Altoneo II king of Aria, on, a relation, but not beir, of the house of Altonso bequeathed Bennar Provence to his second son, of the same name, from whom it descended to Raymond Berenger IV This count dving without male usue in 1245, his youn, est daughter Beatrice took possession by virtue of her father's testament

CHAP I Thus having conquered herself, if I may use the PART II. phrase, and no longer apprehensive of any foreign PRANCE enemy, France was prepared, under a monanti flushed with sanguine ambition, to carry her arms into other countries, and to contest the prize of glory and power upon the ample theatre of Europe.\*

> But this succession being disputed by other claimants, and especially by Louis IX who had married her eldest so er, the compromised differences by marrying therby of Appour the kings brother. The family of Amon regard in Provence, as well as in Naples, till the death of four in 13F2, who having no children, adopted Louis duke of Anjou, brother of Charles V, as her successor. This second Angevin line ended in 14"1 by the death of Charles III, though Remar duke of Lorrane, who was descended through a female had a claim which it does not seem cass to repel by argument. It was very cass however for lous XI, to whom Charles III ball bequeathed his rights, to repel it his force, and accordingly he took passession of Provence, which was permanently united to the crown by letters patent of Charles VIII in 1486 •

\* The principal authority, exclusive of original writers, on which I have relied for this chapter, is the History of France by Velly, Villant, and Cornier a work which, notwithstanding several defects, has absolutely su-perseded those of Mereray and Daniel. The part of the Abbe

Velly comes down to the near of the eighth volume, 12mo 1 tion) and of the reign of Ph. de Valos. His continuator V laret was int rrupted by death the seventee th volume, and the reign of Toms M. In no terenous to this history, which common fi to I have not from it horessary to make. I h merely named the author of particular volume which I que This has made the chove repnation convenient, as the reio might imagine that I referred three distinct works. Of the three historius , Carmer, the la is the most judicious, and I be here, the most accurate producity, though a material defeet, and one which has our sioned the work itself to become an immeasurable undertakin. which could nover be completed on the same scale, is chiefly cocasioned by too great a regard t details, and is more tolerable than a similar fault in Villaret, proceed ing from a love of idle declamation and sentiment. Villaret, however is not without merits He em braces, perhaps more fully than bis preducesor Velly, those colli-teral branches of history which an enlightened reader requires almost

<sup>4</sup> Art de vermer les Pales t u p 445 .- Cormer, L aux. p. 57 474

at preference to civil transactions, the laws, manners, literature, and a general the whole done-tie reards of a nation. These subjects are not appears well treated, but the book reself, to which there is a nmurkably full undex, former again the whole a great repositors fuseful knowledge. Villaget had the advantage of otheral access to the Ironeh archives, by which he = ) is no doubt enriched his history ,

but his references are indistinct, CHAP I and his edimposition breathes an PART II. air of repulity and want of exactmes. Velly's el trasferistics are not very dissimilar. The style of both is exceedingly hid, as has Leen severely noticed along with there other detects by Gaillard, in Observations sur Illistoire de Velly, Villand et Garmer (4 vols 12mo Paris terro t

FRSACE

## CHAPTER II

## ON THE FEUDAL SYSTEM, ESPECIALLY IN FRANCE

## PART 1

State of Americal Germany-Pifferts of the Conquest of Guid by the Franks -- Tenures of Land -- Distriction of Lans Constitutor of the ancient Frank Monarchy - Gradual Establishment of Tendal Tenures - Principles of a Lewisl Relation-Ceremon of Homage and In stature - Valitary Servic - Foudal Incide" of Reluf. Aid, Bardship, &c - Different Species of Full Fridal Law-broks.

PART I FEI DAL STATEM Political state of an ment Ger-BIRRY

CHAP II GERMANE, in the age of Tacitus, was divided among a number of independent tribes, differing greatly in population and importance country, overspread with forests and morasses. afforded little arable land, and the cultivation of that little was inconstant. Their occupations were principally the chase and pasturage, without cities, or even any contiguous dwellings. They had kings, elected out of particular families; and other chiefs, both for war and administration of justice, whom ment alone recommended to the public choice. But the power of each was greatly limited, and the decision of all leading questions, Mough subject to the previous deliberation of the CHAP II. chieftains, sprung from the free voice of a popular assembly \* The principal men, however, of a FRI DAL trerman tribe fully partook of that estimation, which is always the reward of valour, and commonly of birth They were surrounded by a cluster of youths, the most gallant and ambitious of the nation, their pride at home, their protection in the field, whose ambition was flattered, or gratitude conciliated, by such presents as a leader of barbarians could confer These were the institutions of the people who overthrew the empire of Rome, congenial to the spirit of infant societies, and such as travellers have found among nations in the same stage of manners throughout the world. And, although in the lapse of four centuhes between the ages of Tacitus and Clovis, some change may have been wrought by long intercourse with the Romans, yet the foundations of their political system were unshaken.

When these tribes from Germany and the Partition of neighbouring countries poured down upon the congression empire, and began to form permanent settlements, provinces they made a partition of the lands in the conquered provinces between themselves and the original possessors. The Burgundians and Visigoths took two-thirds of their respective conquests,

Mor (rerm c xi Acidalius and Grouns contrad for pretractions which would be neater, but the same sense appears to be conveyed by the common reading

De annombus rebus principes onsultant, de majoribus omnes, ila tamen, ut on quoque, quorum proes pichom arbitram est, apud promptes perfentiement. Tac de

CHAP. I leaving the remainder to the Roman proprietor.

ART I. Each Burgundian was quartered, under the gentle MAL name of guest, upon one of the former tenants. whose reluctant hospitality confined him to the maller portion of his estate.\* The Vandals in Africa, a more furious race of plunderers, seized Il the best lands | The Lombards of Italy took , third part of the produce. We cannot discover any mention of a similar arrangement in the laws or history of the Franks. It is, however, clear that they occupied, by public allotment, or individual pillage, a great portion of the lands of France.

Alodial and Solic lands.

The estates possessed by the Franks, as their property, were termed alodial, a word, which is sometimes restricted to such as had descended by inheritance! These were subject to no burthen except that of public defence. They passed to all the children equally, or, in their failure, to the nearest kindred § 'But of these alodial possessions, there was a particular species, denominated Salic, from which females were expressly excluded. What these lands were, and what was the cause of the

this seems to be its meaning in the famous 62d chapter of the Sale law, de Aledia Alediam inter dam opponitur comparatu, say-Du Cauge, in formula veteribi-Hence in the charters of ileleventh century, hereditary hels are frequently termed alodia. Recueil des Ilistoriens de Prance, zi. preface. \ assette, Hist. di Languedoc, t ii p 109.

Lega Burgand r 54, 55 † Procopius de Bello Vandal 1 1. c 5

<sup>1</sup> Alodial lands are commonly opposed to beneficiary or feurlal. the former being strictly proprietary, while the latter depended upon a superior. In this sense the word is of continual recurrence in autient buttones, laws and metruents. It sopiotimes, however, bears the souse of intervience, and

exclusion, has been much disputed. No solution CHAPAL seems more probable, than that the ancient lawgivers of the Salian Franks\* prohibited females HIDAL from inheriting the lands assigned to the nation upon its conquest of Gaul, both in compliance with their ancient usages, and in order to secure the military service of every proprietor lands subsequently acquired, by purchase or other means, though equally bound to the public defence, were relieved from the severity of this rule, and presumed not to belong to the class of Sahe † Hence, in the Ripuary law, the code of a tribe of Franks settled upon the banks of the Rhine, and differing rather in words than in substance from the Salic law, which it serves to illustrate, it is said, that a woman cannot inherit her grandfather's estate hæreditas aviatica', distinguishing such family property from what the father might

 The Salid Live appear to 1 do been framed by a Christian prince, and after the conquest of Gaul-They are therefore not older than Clovis Anr can they be much later, since they were altered by one of his sons

† By the Uniman customs, wo men, though treated with nuch respect and delicace, were not endowed at their marriage. Dotem non uxor manto, sed mantus uxori confert. Tacitus, c 18 A similar rinciple might debar them of in-heritanos in fixed possessions ( ertain it is, that the exclusion of females was not unfrequent among the Teutonic nations. We find it in the lases of the Thursngians and of the Saxons , both ancient codes, though not free from interpolation Leibhitt, Scriptores Rerum Brum-

wicensuffu, ( ) p #1 and 83 But this usage was repugnant to the principles of Roman law, which the Ir ticks found prevailing in the ir new country, and to the natural teching which leads a man to prefer his own designdents to collectiful heirs. One of the precedents in Marculfus, cl. ii form 12 calls the exclusion of finales, diuturns. et impia consuctudo. In another, a father addresses his daughter Omnibus non habetur incognitum, quod, sicut lex Silea continet, de relias meis, quod mihi ez alade pareview meurum obsens, apad germanos tuos filios mees minime in harreditate succedere poteras For-mala Marculfo adjectar, 49 These precedents are supposed to have been compiled about the latter end of the seventh century

PART I. SYSTEM

CHAP II have acquired.\* And Marculfus uses expressions to the same effect. There existed, however, a right FEUDAL of setting aside the law, and admitting females to succession by testament. It is rather probable, from some passages in the Burgundian code, that even the lands of partition (sorter Burgundionum were not restricted to male heirs † And the Visigoths admitted women on equal terms to the whole inheritance

Homan na tives of Gaul

A controversy has been maintained in France, as to the condition of the Romans, or rather, the provincial inhabitants of Gaul, after the invasion of But neither those who have considered the Franks as barbarian conquerors, enslaving the former possessors, nor the Abbé du Bos, in whose theory they appear as allies and friendly inmates. are warranted by historical tacts. On the one hand, we find the Romans not only possessed of property. and governed by their own laws, but admitted to the royal favour, and the highest offices, t while

€ C 56

lutely clear, to a general rule

† Daniel conjectures that Clo-taire I. was the first who admitted Remare 1940 the army, which had previously been composed of Franks. From this time we find many in high military command (Hist de la Milice Françoise, t.) in 11.) It seems by a passage of Gregory of Lours, by Du Hos, (t in p 547 5that some Roman affected the barbarian character by letting their haif grow If this were generally permitted, it would he a stronger evidence of approximation between the two races, than any that Du Hos has adduced Montesquieu certainly takes it for granted that a Roman much change his law, and thus become to all material intents a Frank (Espet des Loix, 1 xeves, c 4 But the passage on which he reless to read differently in the manuscrapts.

<sup>+</sup> I had in forther editions asseried the contrary of this, on the authority of Frg Burgund c 78 which seened to light the succession of estates, railed series, to male bers. Hut the expressions are too obscure to wurgent this inference, and M Guizot i Lisans sur l'Hust du France, vol. 1 p 95 ; refers to the 14th chapter of the seems code for the opposite proposetion. But this too is not abso

the bishops and clergy, who were generally of that CHAP II. nation,\* grew up continually in popular estima. PART L tion, in riches, and in temporal sway. Yet it is FELDAL undeniable, that a marked line was drawn at the outset between the conquerors and the conquered. Though one class of Romans retained estates of their own, yet there was another, called tributary, who seem to have cultivated those of the Franks, and were scarcely raised above the condition of predial servitude. But no distinction can be more inequivocal than that which was established between the two nations, in the ucregild, or composition for homicide Capital punishment for murder was contrary to the spirit of the Franks, who, like most barbarous nations, would have thought the loss of one citizen ill repaired by that of another. The weregild was paid to the relations. of the slain, according to a legal rate. This was fixed by the Salic law at six hundred solids for an Antrustion of the king, at three hundred for a Roman communication meaning a man of sufficient rank to be admitted to the royal table,, at two hundred for a common Frank, at one hundred for a Roman possessor of lands, and at forty-five for a tributary, or cultivator of another s property. In Burgundy, where religion and length of settlement had introduced different ideas, murder was punished with death. But other personal

this account. The composition for the murder of a bishop was more bundred solids, for that of a priest, six bundred of the same costs. Leges Balson, c. 58

Some histops, if we may judge from their barbarous names, and other careamstances, were not litemans. Sas, for instance, Gregory of Tours, 8 yr c. 9. But no distraction was made among them on

PART I SYSCEM I hattanction of laws.

CHAP II injuries were compensated, as among the Franks, by a fine, graduated according to the rank and FELDAL nation of the aggreed party.\*

The barbarous conquerors of Gaul and Italy were guided by notions very different from those of Rome, who had imposed her own laws upon all the subjects of her empire. Adhering in general to their ancient customs without desire of miprovement, they left the former habitations in unmolested enjoyment of their civil institutions The Frank was judged by the Salic or the Ripuary code, the Gaul followed that of Theodosius ! This grand distinction of Roman and barbarian according to the law which each followed, was common to the Frank, Burgundian, and Lombard But the Ostrogoths, whose settlekingdoms ment in the empire and advance in civility of manners were earlier, inclined to desert their old usages, and adopt the Roman purisprudence; The laws of the Visigoths too were compiled by bishops upon a Roman foundation, and designed as an uniform code, by which both nations should be governed. The name of Gaul or Roman was

free-born 'ingenius i, which is per hape its strict meaning 1): Cange, ves Francus, quotes the Lassage in this sense

<sup>\*</sup> Leges Salice, c. 4.1 Leges Bargundionum, ii 2. Murder and rubbers were made capital by Childebert, king of Paris, but Francis was to be unt for trial in the royal court, debilior persona in luco pendatur Balur t i p 17 I am inclined to think, that the word Frances does not absolutely refer to the nation of the party but rather to his rank, as opposed to debiliur persons, and consoquently, that it had already acquired the sense of freemen, or

<sup>†</sup> Inter Romanus negotia cau sarum Romanis legibus practicirc 560 Beluz Capital, 1 : p 7

<sup>;</sup> Giannone, lau c 2 hist de Languedoce t. 1 242 Heineccies, Hint. Juni German C. I & 15.

not entirely lost in that of Frenchman, nor had CHAP II the separation of their laws ceased, even in the PART I provinces north of the Loire, till after the time of Frunkl Charlemagne.\* Ultimately, however, the feudal SISTEM customs of succession, which depended upon principles quite remote from those of the civil lay, and the rights of territorial justice which the barons came to possess, contributed to extirpate the Roman jurisprudence in that part of France But in the south, from whitever cause, it survived the revolutions of the middle ages, and thus arose r leading division of that kingdom into pays codumers and pans du doct cort, the former reculated by a vist variety of ancient usages, the letter by the civil law t

 Sugerçanc'ing me ex Lones VI see the expression to Survi to 24 and I have some recitly time of having met with the like words in other writings of as nodernadate Hut Lam for corwoocd that the original Salu code was meant by this phrase, which may have been applied to the local hudal customs. The rapitularies of Charlemigne an frequently fermed lex Salua Many of these are copied from the Theodosian rude

† This division is very ancient, being found in the edict of Prites, under Charles the Bald, in 8614 where we read, in illis regionibus, que legem Romanam sequuntur Recueil des Historiens, 1 vii P 664) Montesquieu thinks, that the Roman law fell into disuse in the morth of France on account of the superior advantages, purticu-

Lary in point of composition for often is, innexed to the Salic law, while that of the live other being m re capal, the Romans under their government had no induce point to quit their own code of a prit des Lors, I xxviii c 4 1 But it does not appear that the Vingoths had a re peculiar code of laws till after their expulsion from the kingdom of Ioulot v. They then retained only a small strip of terrators in France, deput Nurbonne and Montpeller

However, the distinction of men according to their laws was pre-served for many centuries, both in I rance and Italy A judicial procoeding of the year 918, published by the historians of Languelia, (f ii Appendix, p. 56 ) proves that the Roman, Cothic, and Salec codes were then kept perfectly separate, and that there were distinct judges for the three metrons

CHAP II
PART I
PRECDAL
SYSTEM.
Provincial
provinciant
of the
French empire

The kingdom of Clovis was divided into a number of districts each under the government of a, count, a name familiar to Roman bjects, by which they rendered the graf of the Germans. The authority of this officer extended over all the inhabitants, as well Franks as natives. It was his duty to administer justice foreserve tranquility, to collect the royal revenue, and to lead, when required, the free proprietors into the field. The title of a duke implied a higher dignity, and commonly gave authority over several counters. These

The Gothic law is referred to be an existing authority in a district of 1070 Ident, t may 274 De Marca, Marca Hispanien, p. 115. Every man, both in France, Hist de Languedoc, t. ii. Append. p. i. r. i. and in Italy, seems to have had the right of choosing by what I is be would be governed. Volumus, says I otherre I In 124, at cunetus populus Romanus interco-etur. quali lege vult vivere, ut tah, quali professi fuerrat vicere velle, vivant Quod si offensionem contra candem legem forerint endem lege quain problemtur, subjacebunt. Momen upon marriage usually changed their law, and subpled that of their husband, returning to " their own in widowhood, lait to this there are exceptions Charters are fourd, as late us the twelfth centure, with the expresston, qui professus sum lege Longobardica [aut] lege Salica [aut] lege Alemanisorum vivere liut soon afterwards the distinctions were entirely heat, partir through the prevalence of the Homan law, and partly through the multitude of local statutes in the Italian cities Muratori, Antiquitates Italia,

Dissertat 22. Du Cange, v. Ler Hemoreius, Historia Juris Cormonici, c. ii. 4-51

\* Marculi Formule, I : 22 Heurd, the leveled translate of Littleton, Aucuns, Jons di Errongus, E. p. 60 jumpes of these thies to have been splited goods bereint. But the curracy of egols proved, find especially by a line Loritmatus, quality by Du Cangant others.

Qui nodo dat Comitis, det tibjura Dueis

The cause of M Houard's error may because on worth noticing In the above cited form of Mar culfus, a precedent (in law lan guage) is given for the appointment of a duke, count, or patrician. The material part being the same. it was only necessary to fill up the blunks, as we should call it, in inserting the proper designation of office It is expressed therefore. actioners constable, decates, and putriciative in page alle, quana ante cessor tima alle usque nune visus est egime, tibi agendum esgendunque communes. Montes quieu has fallen ento a sender mu take, (1 xxx c. 16.) forgetting for

ofices were originally conferred during pleasure; CHAP II but the claim of a son to succeed his father would PART I. often be fattoo playsible or too formidable to FELDAL be rejected, and it is highly probable that, even under the Merovingian kings, these provincial governors had laid the foundation of that independence which was destined to change the countenance of Europe.\* The Lombard dukes, those espe tally of Spoleto and Benevento, acquired very early an hereditary right of governing their

J. 54.

a mount of the Houard, that there instruments in Marculfus were not ecords of real transactions, but general forms for future occasion.

The office of patrician is rather nore obscure. It seems to have mark corresponded with what wis Merwards galled mover of the resident and to have implied the completed of all the regal forces but hat least were Colons, and his successor Mumigalus under Contran This is probable too from analogy The patrician was the highest officer in the Roman cinpice, from the time of Constantine, and we know how much the Franks th Aselves, and still more their Gaulish subjects, affected to imitate the etyle of the imperial court

. That the offices of count and duke were originally but tempo rary, may be inferred from several passages in Gregory of Tours, as 1 v c 37 1 viii c 18 But it scens by the laws of the Alemanni, e 35, that the hereditary succesnon of their dukes was tolerably established at the begunning of the seventh century, when their code was promulgated. The Bavarians those their own dukes out of one

funds, as is declared in their laws. tit ii c 1 and c 20 Handebrog, ( Legun intiquarum ) This the emperoddenry II confirms in Ditmir, Nonne scitis, the says,) Bajuarios ab mitto ducem elivendi liberam habere potestatem? ii p 404.) Indeed the consent of these German provincial nations, if I may use the expression, seems to have been always required, as in an independent monarchy. Ditmar, a chronicler of the tenth cen ture, save, that Eckanl was made duke of Thuringia totius populi consensu. Ifoffel, Abrigé Chronologique, t i p 184 With respect to I rance properly so called, or the kingdoms of Neustria and Bur, undy, it may be less easy to prove the existence of herodriary offices under the Mercyngans But the feebleness of their govern ment makes it probable, that so natural a symptom of disorganization had not fulled to ensue. The Helyetian counts appear to have been nearly independent, as early as this period "illanta s list of the Helvetic Confederacy, thap 1)

FEUDAL SYSTEM

CHAP II. provinces, and that kingdom became a sort of PART I federal aristocracy.\*

SYSTEM.
Succession
to the
French monarchy

The throne of France was always filled by the royal house of Meroveus. However complete we may imagine the elective rights of the Franks, it is clear that a fundamental law restrained them to this family. Such indeed had been the monarchy of their ancestors the Germans, such long continued to be those of Spain, of England, and perhaps of all European nations The reigning family was inmutable, but at every vacancy the heir awaited the confirmation of a popular election, whether that were a substantial privilege or a mere ceremony. Exceptions, however, to the lineal succession are rare in the history of ans country, unless where an infant hen was thought unfit to rule a nation of freemen But in fact it is vain to expect a system of constitutional laws rigidly observed in ages of anarchy and ignorance Those antiquaries who have maintained the most opposite theories upon such points are seldom in want of particular instances to support their respective conclusions.

hanted au thorsty of thorseClovis was a leader of barbarians, who respected his valour, and the rank which they had given

magne it vs and vsii of the same collection asserts a strict hereditary descent. Neither perhaps suffix early distinguishes acts of violence from those of right, nor observes the changes in the French constitution between Cloves and Childeric III

..

<sup>·</sup> Commone, 1 iv

<sup>†</sup> Hottoman Franco-Callia cvi ) and Boulamvilhers (Fixt de la France) seam to consider the crown as absolutely elective. The Abbe Vertis (Memoires de l'Acad des Inacriptions, t iv) maintains a limited right of election within the reigning family M de Ionie.

him, but were incapable of service feelings, and CHAP, IL lealous of their common as well as individual PART I In order to appreciate the power which FELDAL he possessed, we have only to look at the well- SISTEM. known story of the vase of Soissons. When the Vasc of plunder taken in Clovis's invasion of Gaul was set Sussum out in this place for distribution, he begged for himself a precious vessel, belonging to the church of Rheims. The army having expressed their willingness to consent "You shall have nothing here," exclaimed a soldier, striking it with his battle-axe, "but what falls to your share by lot." Clovis took the vessel, without marking any resentment; but found an opportunity, next year, of revenging himself by the death of the soldier It is impossible to resist the inference which is supplied by this story. The whole behaviour of Clovis is that of a barbarian chief, not daring to withdraw any thing from the rapacity, or to chastise the rudeness of his followers

But if such was the liberty of the Franks, when Power of they first became conquerors of Gaul, we have the kings increases. god reason to believe, that they did not long preserve it. A people not very numerous spread over the spacious provinces of Gaul, wherever lands were assigned to, or seized by them \* It became a burden to attend those general assem-

\* Du Bos, Hist Critique, t it P. 301 maintains that Clovis had not more than 3000 or 4000 Franks in his army, for which he produces some, though not very

ness of the number of Salians may account for our finding no mention of the partitions made in their favour See, however, Du Bos, t. ш р 466

FEUDAL SYSTEM

CHAP II blies or one nation, which were annually convened PART I. in the month of March, to deliberate upon public business, as well as to exhibit a muster of military strength. After some time, it appears that these meetings drew together only the bishops, and those invested with civil offices.\* The ancient inhabitants of Gaul, having little notion of political liberty, were unlikely to resist the most tyrannical conduct. Many of them became officers of state, and advisers of the sovereign, whose ingenuity might teach maxims of despotism unknown in the forests of Germany. We shall scarcely wrong the bishops by suspecting them of more phable courtliness than was natural to the long-haired warriors of Clovis † Yet it is probable, that some of the Franks were themselves instrumental in this The court of the change of their government Merovingian kings was crowded with followers. who have been plausibly derived from those of the German chiefs described by Tacitus, men, forming a distinct and elevated class in the state, and known by the titles of Fideles, Leudes, and Antrustiones. They took an oath of fidelity to the king, upon their admission into that rank, and were commonly remunerated with gifts of land Under different appellations we find, as some antiquaries think, this class of courtiers in the early

power in the tone of Louis XIV.'s court. If we were obliged to behere all we read, even the vace of Sousons would bear witness to the obedience of the Franks

<sup>\*</sup> Du Bos, t m p 327 Mable, Observ sur l'Histoire de I rance, 1 1. 5 8.

<sup>† (</sup>regery of Tours, throughout has history, talks of the royal

records of Lombardy and England. The general CHAPJIL name of Vassals (from Guas, a Celtic word for a PART L ervant) is applied to them in every country. By the assistance of these faithful supporters, it SYSTEM. has been thought, that the regal authority of Clovis's successors was insured t. However this may be, the annals of his more immediate descendants exhibit a course of oppression, not merely displayed, as will often happen among uncivilized people, though free, in acts of private injustice, but in such general tyranny as is incompatible with the · existence of any real checks upon the sovereign.1

\* The Gaundi of Ityly, and the Anglo-Saxon royal Thane appear correspond, nore or less, to the Austrustions of level The world Thin, however, was used in a or extensive serial and contrabendert all free proprietors of land Post of Leudes seems to miply only subjection, and is frequently applied to the whole hody of a redion, as well as, in a stricter sense, to the king's personal vasquire, originally, by possessing hein tices, but rather, by being vas sils, or servants, became the object of beneficiary donations. In one of Manuffus a precedents, 1 i f is we have the form by which an Anstrustion was created See Du ( ange under these several words, and Muratori's thirteenth disserlation on Italian Antiquities The Cardings sometimes ment oned in the laws of the Visigoths do not appear to be of the same descrip-Long.

Boantes \* \* vallatus in donio sua, ab hominibus regis in

terfactus est Greg Tur 1 vin c 11 A few spirited retainers were sother at to execute the mandates of arintrary power among a bar-barous, disunited people ! The proofs of this may be

found in almost every page of Gregory among other places, see 1 1 c 1 ; 1 vi c 20 , 1 iz c 30 In all edicts proceeding from the first kings, they are careful to express the convent of their subjects Clovies language runs- l'opulus noster petit. His son Childebert expresses himself una cum nosten optimatibus pertractavimusconvent una cum leudis nostria But in the famous treaty of Andeley, A D 587, no national assent seems to have been asked or given to its provisions, which were very important. And an edict of one of the Clotaires oit is uncertain whether the first or second of that name, tixugh Montesquies has given good reasons for the latter) assume a more magniferial toos, without any mention of the Leudes

CHAP II PART I **FEUDAL** BISTEM family Mayors of the palace

But before the middle of the seventh century the kings of this line had fallen into that whitemptible state, which has been described in the last chapter. The mayors of the palace, who Degeneracy from mere officers of the court, had now become masters of the kingdom, were elected by the Franks, not indeed the whole body of that nation, but the provincial governors, and considerable proprietors of land . Some inequality then probably existed from the beginning in the partition of Atates, and this had been greatly increased by the common changes of property, he the rapine of those savage times, and by royal munificence. Thus arose that landed aristociaes. which became the most striking feature in the political system of Europe during many centuries and is in fact its givat distinction, both from the

> \* The revolution which rained Brumhaut was brought about by the defection of her chief nobies, especially Warnachar, mayor of Austrasia Upon Clotaire II's victors over her he was compelled to reward these adherents at the expense of the monarche Warnachar was made Mayor of Burgondy, with an oath from the king meter to dispussess him garius, c 42, In 626, the nobi-lity of Burgundy declined to elect a mayor, which seems to have been considered as their right I rom this time, nothing was done with-out the consent of the aristocracy Unless we ascribe all to the different ways of thinking in Gregory and Fredegarius, the one a Roman bishop, the other a Frank, or Burgundian, the government was altogether changed

It might even be surmised the the crown was considered as more elective than before. The authof Grata Regum Francorum, au old chromeler who lived in those times, changes his form of expressing a king s accession from that Clotaire II Of the earlier kins he says only, regnum recept But of Clotaire, Franci quoque priede tum Clotairium regem parvulum supra se in regium statuerunt. Again, of the accession of Dagi-bert I Austrasii Franci superiores congregati in unum, Dagobertum supra se in regnum statuunt In another place, Decedente pre-fato rege (kodoveo, Franci Clo tantum seniorem puerem ex tribus sibi regem statuerunt. Several other instances might be quoted

despotism of Asia, and the equality of republican CHAPAR. gomnments

PARTI

There has been some dispute about the origin Frunal of nobility in France, which might perhaps be SISTEM. settled, or at least better understood, by fixing our conception of the term. In our modern acceptation, it is usually taken to imply certain disunctive privileges in the political order, inherent in the blood of the possessor, and consequently not transferable like those which property con-Immited to this sense, nobilities conceive, was unknown to the conquerors of Gaul till long after the downfall of the Roman empire telt, no doubt, the common prejudice of mankind in favour of those whose ancestry is conspicuous, when compared with persons of obscure birth The is the primary meaning of nobility, and perto the distinguishable from the possession of exclusive civil rights. Those who are acquainted with the constitution of the Roman republic, will recollect an instance of the difference between these two species of hereditary distinction, in the tricin and the nobiles. Though I do not think that the tribes of German origin paid so much regard to genealogy as some Scandmavian and Celtic nations, else the beginnings of the greatest houses would not have been so enveloped in doubt as we find them, there are abundant traces of the respect in which families of known antiquity were held among them.\*

by Schmidt, Hist des Allemands, The antiquity of French not i p 361 and with acrimony by white is maintained temperately

CHAP. IL. PRUDAL

But the essential distinction of ranks in France. perhaps also in Spain and Lombardy, was founded upon the possession of land, or upon civil employsystem ment. The aristocracy of wealth preceded that of birth, which indeed is still chiefly dependent upon the other for its importance large estate was styled a noble, if he wasted or was despoiled of his wealth, his descendants tell into the mass of the people, and the new possessor became noble in his stead. In these early ago, property did not very frequently change hands, and desert the families who had long possessed it They were noble by descent, therefore, because they were rich by the same means. Wealth gave them power, and power gave them pre-emmence But no distinction was made by the Salic or Lonbard codes in the composition for homicide, the great test of political station, except in favour of the king's Sassals It seems, however, by some of the barbaric codes, those namely of the Buigundians, Visigoths, Saxons, and the English colony of the latter nation,\* that the free men

> Montesquieu, Esprit des Loix, 1 xxx c 25 Neither of them proves any more than I have ad-meted. The expression of I adovicus Pius to his freedman, Rex facit te liberam, non nobilem quod impossibile est post liberta tem, is very intelligible, without magnang a privileged class (N the practical regard paid to birth, indeed, there are many proofs It stem to have been a recommendation to the choice of bushops.

<sup>(</sup>Marculti Formulæ, l. i. e. 4. ccm notis Bignomi, in Baluzii Capitu laribus) It was probably mu h considered in conferring dignities Fredegamus says of Protadius. mayor of the palace to Brunchaut, Quoscunque genere nobiles reix nebat, totas humitare considere. ut mulius repentetur, qui gradum, quem arripuerat, potunseet assu-

<sup>\*</sup> Leg Burgund, trt. 20 Leg Vengoth I it t. 2 c. 4 (in Lag-le-

were ranged by them into two or three classes, CHAP.II. a difference made in the price at which their PARTI lives were valued : so that there certainly existed reunal the elements of aristocratic privileges, if we can- system. not in strictness admit their completion at so early a period. The Antrustions of the kings of the Franks were also noble, and a composition was paid for their murder, treble of that for an ordinary citizen, but this was a personal, not an hereditary distinction. A link was wanting to connect their emment privileges with their postemy, and this link was to be supplied by hereditary benefices

Besides the lands distributed among the nation, Final others were reserved to the crown, partly for the support of its dignity, and partly for the exercise of its munificence. These were called fiscal lands, they were dispersed over different parts of the kingdom, and formed the most regular source of revenue." But the greater portion of them were granted out to favoured subjects, under the name of benefices, the nature of which is one of it e most important points in the policy of these ages. Benefices were, it is probable, most fre-Benefices

brog) Du Cange, voc Adalingus, Nobelia Wilkins, Leg Yog Sax passim I think it cannot be denied, that nobility, founded eithir upon birth or property, and dis-unguished from mere personal inedom, entered into the Auglo-Saxon system. Thus the corl and imil are opposed to each other, like the noble and roturier in l rapre

\* The demesne lands of the crown are continually mentioned in the early writers, the kings, in journeying to different parts of their dominions, took up their abode in them. Charlemagne is very full in his directions as to their management Capitalaria, A D 797, et alibi

460

PEUDAL

Chap. II quently bestowed upon the professed courtiers the Antrustiones or Leudes, and upon the provincial governors. It by no means appears, that any conditions of military service were expressive annexed to these grants but it may justly be presumed that such favours were not conferred without an expectation of some return; and we read both in law and history, that beneficiary tenants were more closely connected with the crown than mere alodial proprietors. Whoever possessed a benefice was bound to serve his soveregen in the field. But of alodial proprietors only the owner of three mansi was called upon for personal service. Where there were three possessorof single mansi, one went to the army, and the others contributed to his equipment \* Such at least were the regulations of Charlemagne, whom I cannot believe, with Mably, to have relaxed the obligations of military attendance After the peace of Coblentz, in 860, Charles the Bald restored all alodial property belonging to his subjects, who had taken part against him, but not his own beneficiary grants, which they were considered as having forfeited

Thou av. leni

Most of those who have written upon the feudal system, lay it down that benefices were originally precarious, and revoked at pleasure by the sove-

rient Roman juger was about fiveeighths of an acre, the Parisian arpent was a fourth more than one This would make a difference as two to one.

<sup>&</sup>quot; Capitul (ar Mag aun 807 and 813 I cannot define the pri-cise area of a mansus It con-usted, according to Du Cange, of twelve jugera, but what he meant by a juger I know not. The au-

reign; that they were afterwards granted for life, CHAP II. at a subsequent period became hereditary Vo satisfactory proof, however, appears to have HIDAL been brought of the first stage in this progress . STATEM.

\* The position which I have taken upon me to contropert, i had down up almost ever writer on the feuchal system. Beside Sar James craft, Spelman, and other ouer authors, Houard, in his Ancernes lors des trancois tu p and the editors of the Bearding the collection, tax policy tolthe same point for granted. Maldy, Opervations sur l'Histoire de France, Lie & Calls & was venut que M de Montesqueu a tres lain prouved And Robertson officing with unusual positive mess. . These bein hors were granted orizerativ only during pleasure. circumstance relating to the cut no of the middle ages is better ascertained than this and moumerable proofs or a might be added to these produced in I I sport des Law, and by Du Carge Charles Vivol 1 not 3

These testimonies, which Robertson has not chosen to bring forward, we cannot computure to 'us it easy to comprehend by what felicity he has discovered, in the penury of historical reconsduring the math and seventh centuries, innumerable proofs of an usage which, by the confession of all, did not exist at iny later peand But as the authornies quoted les Montesquieu have appeared conclusive both to Maldy and Robertson, it may be proper to a va-mine them separately. The following is the passage in the I haprit urs Luis, on which they rely

On ne peut pas douter que d'a-mai a chefe ne fusent ambribles

On voit, dans Gregoire de Tours, que Pon etc. (Sunegisth et a Galloman tout ce q ils ten ient du հաշ, շէզա տուսան աշև հաբարգա՞ն ա qu'ils arount en propriété : Gontran, clevuit an trone son neveu Childelant, out time conforcing so en He avec las, chios nobqua cena ropard deset denner des fats, et cens a quint devot les des Duns une formule de Marcuite, le roi donne en echange non scalement des benefices que son fisi tenoit. mais en creación quantante avoit tinus. In la des Lombards oppose les hemetics à la propriéte Les Jastonions, les flationles, les codes des differens penjoles barhaps, tous les monunions qui nous restent sont unammes. Intu, consignment or rith layer dial new, nous apprennent que d'abord les seigneurs purent les oter a leur solonte, qu'ensum us les usurerent pour un in, et moes les donners ni ponir tongrars 1 xxx i 10

The first of Montesquien's authorntes is from Gregory of Tours List at Suneguilus and Gallangua, two cortiers of Calde last, having been accused of a transmile comparary, fled to senctuary, and relused to stand their trial. Their beneficiary lands were upon this very justly taken away by a judicial writing. What argument can be drawn from a case of fortesture for treason or or t lawry, that benefices were granted only during pleasure 2 Countran is said by Gregory to have advised his nephew Childi lant quas honoraret muneribus, ques ab honore

CHAP.II. At least, I am not convinced, that beneficiary PART L grants were ever considered as resumable at plea-FEUDAL sure, unless where some delinquency could be im-

> depelleret I vn 33. But hour is more commonly used in the earliest writers for an office of dignits, than for a lamb destate, and oven were the word to hear in this place the atter meaning, we could not fairly depend on an authority. drawn from times of peculiar tyranny and civil ecovolation. I am not contending that men were secure in their beneficiary since they certainly were not so in their alodial estates, the sole question is, 24 to the right they were supposed to possess in respect of them. 3. In the precedent of Manufius, quoted by Montesquien, the king as supposed to grant lunds which some other person had litely held But this is meant as a designation of the premises, and vould be perfeetly applicable, though the late possessor were diad 4 It is certamly true, that the I ornhand laws, (that is, laws enacted by the successors of Charlemagne in Lombardy, and the seneral tenor of ancient record , with a few exceptions, appose benefices to propriety but it does not follow that the former were revocable at pleasure This opposition of slighted to feurlal states substate at present, though the tenure of the latter is any thing rather than precamous 5 As to the Libra Feudorum, which are a compilation by some Milanese lawyers in the twelfth century, they cannot be deemed of much authority for the earlier history of the feudal system is a rance. There is certainly reason to think, that even in the cleventh century, the tenure of bets in some parts of I ominardy was rather prevanous,

but whether this were by any other law than that of the stronger is would be hard to determine

Du Cange, townom Robertso; also refers, gives this definition of a benefice pradium fiscale, quat rege vel principe velab also quo libet ad citam viro nobili utembi i conceditur. In a subsequent place indeed be says nic-bantum era id vitain, sed pro libitu auferer a For this he only cites a bit of the bishops to Louis the 11 bon ur la clesia nobis a Dec con muse non talia sunt beneficia, c hujusmodi regis proprietas, ut pr nium spo mionsulte illas presi dure, aut auferre But how ship! a foundation does this afford I the inference that lay-benefore were actually hable to be resume. at ple isun 1 Suppose even this !! be a necessary implication at al. argument of those bishors is certain that they stated the law of their country with accuracy? It we not find greater errors than the every day to men a speech and writings, relative to points with which they are not immediately concerned! In fact, there is no manner of doubt, that benefices twere granted not only for life, but as inheritances, in the reign of I outs. In the next sentence I'm Cange adds a qualification, which puts an end to the controversy, so far as his authority is concerned Non temere tamen, nec une legali sudges auferebantur That those two sentences contradict each other is manifest, the latter, in my opanion, is the more correct passtion.

puted to the vassal. It is possible, though I am CHAP, H and aware of any documents which prove it, that PART I. benefices may, in some instances, have been granted FEUDAL for a term of years, since even fiels, in much later BYSTAM. times, were occasionally of no greater extent. Their ordinary duration, however, was at least the life of the possessor, after which they reverted to the fisc.\* Nor can I agree with those, who deny the existence of hereditary benefices under the first race of Frénch kings. The codes of the Burgundians, and of the Visigoths, which advert to them, are, by analogy, witnesses to the contrary † The precedents given in the forms of Marculfus about 660 for the grant of a benefice, contain very full terms, extending it to the heirs of the beneficiary.1 And Mably has plausibly inferred the perpetuity of benefices, at least in some instances, from the language of the treaty at Andely in 587, and of an edict of Clotaire II some years later § We

١

The following passage from (argzory of Tours seems to prove, although rons were occasiondly permitted to succeed their fathers, an indulgence which easily aren up into a right, the crown had, in his time, an unque stionable reversion after the death of its organal beneficiary liot tempore et Wandelmus, nutritor (hildeberts regis, obiit, sed in locum ejus nullus est subrogatus, eo quod re gina mater curam velit propriam inhere de filio Quecunque de faco mercut, faco purdua sunt relata Ohnt his diebus Bodegenlas dux j-lenus dierum , sed nébit de facullate eine files minetum est 1 vill

<sup>1 22</sup> Gregory's work, however, does not go further than 595

<sup>†</sup> Lages Burgundionum, til 1 14 ki s Wingoth I v til 2 ! Marculf form all and aiv I

<sup>1</sup> This procedent was in use down to the eleventh century, its expressions recur in almost every charter. The earliest instance I have seen of an actual grant to a private person, is of Charlemagns to one John, in 795 Baluza Capi-

tularia, t ii p 1400 § Quicquid antefati reges ecclesus aut fidelibus mis contulerunt, aut adhuc conferre cum justitul Den propitiante voluerint, stabiliter conservetur, et quicquid uni-

PART I. PEUDAL 9181EM

CHAP II. can hardly doubt at least that children would put in a very strong claim to what their father had enjoyed, and the weakness of the crown in the seventh century must have rendered it difficult to reclaim its property

Sub infeu dation

A natural consequence of hereditary benchees was that those who possessed them carved out portions to be held of themselves by a similar tenure Abundant proofs of this custom, best known by the name of sub-infeudation, occur even in the capitularies of Pepin and Charlemagne At a later period it became universal, and what had begun perhaps through ambition or pride was at last dic-In that dissolution of all law tated by necessity which ensued after the death of Charlemagne, the powerful leaders, constantly engaged in domestic warfare, placed their chief dependence upon men whom they attached by gratitude, and bound by strong conditions. The oath of fidelity which they had taken, the homage which they had paid to the sovereign, they exacted from their own vassals To render military service became the essential obligation which the tenant of a benefice under-

cuique fidelium in utriusqui regioi per legem et justitism redbibetur nullum es præjudicium ponatur, sed licent res debitas possidere aique recipere. Et si abquid un cuique per interregua sine culpa aublatum est, audicutia babita restanzetur Et de co quod per munificantias pracedentium n guas ununquisque usque ad transi tuen gloriose metnorie domini Chlothacharii regis possedit, cusu

securitate possibleat, et quod exinde tele libus parsonis ablatum est, de præsenti recipiat - Fordus An-deliacum, in Gregor Turon 1 is

Quacunque ecclessa vel clerres vel quibushbet personis a gloriose memorie prefata principibus mu nificentia largitate collette sun'. omni firmitate perdurent - Edut Chlotachar I vol potus II in Recueil des Illistoriens, t it p 146

took; and out of those ancient grants, now become CHAP II the most part hereditary, there grew up in the PART'I tenth century, both in name and reality, the sys- IFI DAL tem of feudal tenures \*

This revolution was accompanied by another temperature still more important. The provincial governors, evernors the dukes and counts, to whom we may add the marquisses or margraves, intrusted with the custody of the frontiers, had taken the lead in all public measures after the decline of the Merovingian kings. Charlemagne, duly jealous of their ascendancy, checked it by suffering the duchies to expire without renewal, by granting very few counties hereditarily, by removing the administration of justice from the hands of the counts into those of his own itinerant judges, and, if we are not deceived in his policy, by elevating the ecclesiastical order as a counterpoise to that of the Even in his time, the faults of the nobility counts are the constant theme of the capitularies, their dissipation and neglect of duty, their oppression of the poorer proprietors, and their artful attempts to appropriate the crown lands situated within their territory † If Charlemagne was un-

 Somner says, that he has not bound the word feudum auterior to the year 1000, and Muratori, a still greater authority, doubts whether it was used so early. I bare however observed the words feum and fevum, which are main featly corruptions of feudum, in several charters about 960 1 aissette, list de Languedoc, t n Appendix, p. 107, 128, et alitu-Mone of these tiefs appear not to

have been hereditary. But, indipendently of positive instances, can it be doubted that some word of barbarous original must have answered, in the vernacular fanguages, to the Latin benchemin? See Du Cange v. Leudum

† Capitularia Cir Mag et Lud Pu pansum Schmidt Hist des Allemands to p 1 st Gaillard, Vie de Charlem t in p 118

SYSTEM.

CHAP.II. able to recess those evils, how much most they have increased under his posterity! That the PEUDAL prince seldom gave more than one county to the same person, and as they we agenerally of moderate size, co-extensive with episcopal dioceses there was less danger, if this policy had been tollowed, of their becoming independent.\* Louis the Debonau, and, in a still greater degree, Charles the Bald, allowed several counties to be enjoyed by the same person. The possessors constantly aimed at acquiring private estates within the limits of their charge, and thus both rendered themselves formidable, and assumed a kind of patrimonial right to their dignities By a capitulary of Charles the Bald, A D 877, the succession of a son to the lather's county appears to be recognized as a known usage | In the next century there followed an entire prostration of the royal authority, and the counts usurped their governments as little sovereignties, with the domainand all regalian rights, subject only to the feudal superiority of the king ! They now added the name of the county to their own, and their wives took the appellation of countess. In Italy, the

<sup>\*</sup> Vamette, Hist de Languedoc, tip 587 700 and not 87

<sup>+</sup> Halozsi Capitularia, t. u. p. 263 and 209. This is a questionable point, and most French antiquaries consider this famous capi tulars as the foundation of an hereditary right in counties I am inclined to think, that there was at least a practice of succession, which is implied and guaranteed by this provision.

<sup>!</sup> It appears, by the record of a process in 918, that the counts of Toulouse had already so far usurped the rights of their sove reign, as to claim an estate, on the ground of its being a royal bene-fice. Hist. de Languedoc, t ii Appen p 56

f Vaissette, Hist. de Languedoc, t 1 p 588, and mfm t. 1: p 38 109 and Appendix, p. 56

independence of the dukes was still more com- CHAP, IL and although Otho the Great and his PART L descendants kept a stricter rem over those of Frudal Garmany, yet we had the great hels of then em- SYSTEM. pire throughout the tenth century, granted almost invariably to the male and even female heirs of the last possessor

Meanwhile, the alodial proprietors, who had come or hitherto formed the strength of the state, fell rate state, a much worse condition. They were exposed to acre the rapacity of the counts, who, whether as magistrates and governors, or as overbearing lords, had it always in their power to harrass them. Every district was exposed to continual hostilities, sometimes from a foreign enemy, more often from the owners of castles and tastnesses, which in the tenth century, under pretence of resisting the Normans and Hungarians, served the purposes of Against such a system of rapine, the military compact of lord and vassal was the only effectual shield, its essence was the reciprocity of service and protection But an insulated alodialist had no support his fortunes were strangely changed, since he claimed, at least in right, a share in the legislation of his country, and could compare with pride his patrimonial fields with the temporary benefices of the crown out law to redress his injuries, without the royal power to support his right, he had no course left. but to compromise with oppression, and subject himself, in return for protection, to a feudal lord During the tenth and eleventh centuries it appears

PART I FEUDAL

CHAP.II that alodial lands in France had chiefly become feudal: that is, they had been surrendered by their proprietors, and received back again upon the feudal conditions, or more frequently, perhaps, the owner had been compelled to acknowledge himself the man or vassal of a suzerain, and thus to contess an original grant which had never existed \* Changes of the same nature, though not perhaps so extensive, or so distinctly to be traced, took place in Italy and Germany. Yet it would be maccurate to assert, that the prevalence of the feudal system has been unlimited, in a great part of France, alodial tenures always subsisted; and many estates in the empire were of the same description †

> • Hist de Languedoc, t ii p 100. It must be confessed, that there do not occur so many specihe instances of this conversion of aledial tenure into ferdal, as might be expected, in order to warrant the supposition in the text Several records however are quoted by Robertson, Hist Charles V. and others may be found in diplomatic collections A precedent for surrendering alcohol property to the king, and receiving it back as his benefice, appears even in Marculfus, 1 i form 13 The county of Commute, between the Pyrences, Louiouse, and He gorre, was alorbal till 1244, when it was put under the feudal protection of the count of Toulouse It devolved by escheat to the crown in 1443 Villaret, t xv p

In many early charters, the king confirms the possession even of alodial property, for greater security in lawless times and, in the other hand, in these of the tenand cleventh conturies the world alodium is continually used for a foud, or hereditary benefice, which renders this subject still more ob-

+ The maxim, Nulle term sans seigneur was so far from hein, universally received in Iranic, that in almost all southers provinces or pays du droit cent, lands were presumed to be abdual, unless the contrary was shewn, or, as it was called, franc-aloux sans titre The parliaments however seem latterly to have inclined against this presumption, and have thrown the burthen of proof on the party claiming alodiality For this see Denisart, Dictionnaire des Decisions art. Francalen And the famous maxim of the Chancellor Duprat, nulle terre sans seignour, was true. as I learn from the dictionary of Houard, with respect to jurisdic

There are, however, vestiges of a very universal CHAP II contributed distinguishable from the feudal tenure of PART L. land, though so analogous to it, that it seems to FEUDAL have nearly escaped the notice of antiquaries. SISTEM From this silence of other writers, and the great personal obscurity of the subject, I am almost afraid to commendanotice, what several passages in ancient laws and instruments concur to prove, that, besides the relation established between lord and vastal by beneficiary grants, there was another species more personal and more closely resembling that of patron and chent in the Roman republic usually called commendation, and appears to have been founded on two very general principles, both of which the distracted state of society inculcated. The weak needed the protection of the powerful, and the government needed some security for public order. Even before the invasion of the Franks, Salvian, a writer of the fifth century, mentions the custom of obtaining the protection of the great by money, and blames their rapacity, though he allows the natural reasonableness of the practice \* The disadvantageous condition of the less powerful freemen, which ended in the servitude of one part, and in the feudal vassalage of another, led such, as fortunately still preserved

tion, though false as to tenure. alodral lands menlated (enclave within the fief of a lord, being sub-Dicject to his territorial justice uon de Houard, art Aleu.

In Germany, according to Du

Cange, voc Baro, there is a dis-Semper Berenes, the latter hold ing their linds alcelially

\* Du Cange, v. Salvamentum

CHAP II their alodial property, to insure its defence by a stipulated payment of money. Such payments called Salvamenta, may be traced in extant charters, chiefly indeed of monasteries.\* In the case of private persons, it may be presumed that this voluntary contract was frequently changed by the stronger party into a perfect feudal dependence. From this, however, as I imagine, it properly differed in being capable of dissolution at the inferior's pleasure without incurring a for feiture, as well as in having no relation to land Homage, however, seems to have been incident to commendation, as well as to vassalage tary service was sometimes the condition of this engagement. It was the law of France, so late at least as the commencement of the third race of kings, that no man could take a part in private wars, except in defence of his own lord learn from an historian about the end of the tenth century, who relates that one Erminfrid, having been released from his homage to Count Burchard on ceding the fief he had held of him to a monastery, renewed the ceremony on a war breaking out between Burchard and another nobleman, wherein he was desirous to give assistance: since. the author observes, it is not, nor has been the practice in France, for any man to be concerned in war, except in the presence, or by the command of his lord.† Indeed there is reason to infer, from

<sup>\*</sup> Du Cange, v Salvamentum † Recueil des Historiens, t x

the Capitularies of Charles the Bald, that every CHAP, IL made was bound to attach himself to some lord, PARI I though it was the privilege of a freeman to choose FELDAL his own superior.\* And this is strongly supported SYSTEM by the analogy of our Anglo-Saxon laws, where it is frequently repeated, that no man should continue without a lord There are too, as it seems to me, a great number of passages in Domesdaybook, which confirm this distinction between personal commendation and the beneficiary tenure of Perhaps I may be thought to dwell too prolixly on this obscure custom, but as it tends - to illustrate those mutual relations of lord and rassal, which supplied the place of regular government in the polity of Europe, and has seldom or never been explicitly noticed, its introduction seemed not improper

\* Unisquisque liber horry post ranna danna su, bera umbr hat se commendands n'er her tria regna ad que me unque volue e t Smuliter et ille qui nen lum alieni commendatus est. Baluzo Capiustaria, t. i. p. 44. A. D. 806 Volumus etiam ut unusquisque liber homo in nostro regno senion ni qualem voluent in nobis et it nos tris fidelibus recipiat Capit Car Calvi A D 877 Et volucius ut cujuscunque nestrum home, in coluscundes todino sit, il ii a sc more run in hostem, vel, alus suis utilitatibus pergat. Ibid See too

Balaze, t i p 536, 537
By the Fataldishments of St Louis, c 87 every stranger connug to settle within a barony was to acknowledge the baron as lord within a year and a day, or pay a fine. In some places, he are the came the seri or lien of the lord Ordentances des Ros p. 197 I pon this pidoces of unknown scitters, what pervades the poles of the micilion, os, was numbed the drost danbane, or right to the energials etecthed decise See preface to Ordonnances des Rosett pte

The crucle Commendatio in Du Lingus Coloneary furnishes some times upon this subject, which however that authordors not seen: to have fully apprehended. Car. pentier, in his Supplement to the followary, under the word \ 1884than, gives the clearest notice of it that I have any where found Since writing the above note, I have found the subject touched by M de Montloser, list de la Monarchii Française, t. i. p. 854

CHAP II PART I PEUDAL SYSTEM Linct of بطعد

It has been sometimes said that feuds were first rendered hefeditary in Germany, by Conrad II sirnamed the Salic. This opinion is perhaps erroneous. But there is a kamous edict of that cound the emperor at Milan, in the year 1037, which though immediately relating only to Lombardy marks the full maturity of the system, and the last stage of its progress.\* I have remarked already the custom of sub-infeudation, or grants of lands by vassals to be held of themselves, which had grown up with the growth of these tenures There had occurred, however, some disagreement for want of settled usage, between these inferior vassals and their immediate lords, which this edict was expressly designed to remove Four regulations of great importance are established therein that no man should be deprived of his fiel, who ther held of the emperor, or a mesne lord, but by the laws of the empire, and the judgment of his peers,† that from such judgment an immediate vassal might appeal to his sovereign, that fiels should be inherited by sons and their children, or in their failure, by brothers, provided they were feuda paterna, such as had descended from the

Speiman tells us, in his I'n ause of Feuds, chap it that Couradus Salicus, a French emperor, but of German descent [what can this mean?] went to Rome about 915 to feich his erown from Pope John X when, according to him, the succession of a son to his father a fiel was test conceded. An almost unparallelled blunder in so

learned a writer! Courad the Salu was elected at Worms in 1024, rowned at Rome by John XIV in 1027, and made this edict at Milan in 1037.

<sup>†</sup> Nisi secundum constitutionem antecessorum nostrorum, et judi cium parmin suorum, the very expressions of Magna Charta

father, ... and that the lord should not alienate the CHAP II net of his vassal without his consent.

Such was the progress of these feudal tenures, HUDAL which determined the political character of every European monarchy where they prevailed, as well as formed the foundations of its jurispindence. It is certainly maccurate to refer this system, as is irequently done, to the destruction of the Roman empire by the northern nations, though an the beneficiary grants of those conquerors we trace its beginning Five centuries, however, clapsed, before the alodial tenures, which had been incomparably the more general, gave way, and before the reciprocal contract of the foud attained its maturity It is now time to describe the legal qualities and effects of this relation, so far only as may be requisite to understand its influence upon the political system

The essential principle of a fiel was a mutual Principle contract of support and fidelity. Whatever obligations it laid upon the vassal of service to his ford, corresponding duties of protection were im-

" " Gerardus noteth," says Sir H. Spelman, "that this liw settled not the feud upon the cliest son, er any other son of the feudatary particularly, but left it in the lord's election to please himself with which he would." But the phrase of the edict runs, those jus beachcoun tenere which, when nothing more in said, can only mean a par lition among the was

† The last provision may seem strange, at so advanced a period of the system, yel, according to transpose, fends were still reso Cable by the bord in some parts of Limbordy Listonia di Vapoli, l'ann communication de l'annocentration de on more than had been already enacted by the heat clause of this edet Another interpretation is preside, namely, that the find should not alle nate his own seignion without his varials consent, which was agreeable to the feudal tenures. This indeed would be putting rather a forced construction on the words, ne domino fordum militis alienare licest

PART I PERIDAL. SYSTEM.

CHAP. II. posed by it on the lord towards his vassal . If these were transgressed on either side, the one forfeited his land, the other his seigniory or rights Nor were motives of interest left alone to operate in securing the feudal connexion associations founded upon ancient custom and friendly attachment, the impulses of gratitude and honour, the dread of infamy, the sanctions of religion, were all employed to strengthen these ties, and to render them equally powerful with the relations of nature, and far more so than those of political society. It is a question agitated among the feudal lawyers, whether a vassal is bound to follow the standard of his lord against his own kindred.t Itemas one more important, whether he must do In the works of those who so against the king wrote when the feudal system was declining, or who were anxious to maintain the royal authority. this is commonly decided in the negative. Littleton gives a form of homage, with a reservation of the allegiance due to the sovereign t and the same prevailed in Normandy and some other countries. A law of Frederic Barbarossa enjoins,

<sup>&</sup>quot; Crag lus lendale, l' n mt. 11 Benumanour, Contumes de Beauvouss, c las p 311 Ass de Jérus c 217 Lab leud l'n tit

Upon the mutual obligation of the lord towards his vassal accens to be founded the law of warranty, winch compelled him to make indemnification where the tenant was avected of his land. This olds gation, however unreasonable it

may appear to us, extended, according to the feudal lawyers, to cases of mere donation. Crag l 11 tit 4 Butlers Notes on Lo Litt. p 365 + Crag I n tit 4

Sect laxar

Housed, Anc Loix des Frencots, p 114 See too an metance of this reservation in Recuesi des Historicos, t zi 447

that in every oath of fealty to an inferior lord, the CHAP II. vassal's duty to the emperor should be expressly PART'I. But it was not so during the height of FLI DAL the feudal system in France The vassals of Sistem. Henry II. and Richard I. never hesitated to adhere to them against the sovereign, nor do they appear to have incurred any blame on that account. Even so late as the age of St. Louis, it is laid down in his establishments, that if pistice is refused by the king to one of his vassals, he might summon his own tenants, under penalty of torfeiting their fiels, to assist him in obtaining redress by arms \* The count of Britany, Pierre de Dreux, had practically asserted this feudal right during the minority of St Louis. In a public instrument, he announced to the world, that hasme met with repeated injuries from the regent, and demal of justice, he had let the king know, that he no longer considered himself as his vassal. but renounced his homage and defied him.)

\* Si le Sire dit a son bomme lies . I shi z vons in avec moi, je veux .merroyer mon Seigheur, qui me deme le jugement de sa cour, le t issal doit repondre , j ir it scaroir, t'il est ainsi que sous me dites. Alors il doit aler trouver le supe neur, et luy dire. Sire, le gentilhonime de qui je nens mon fiel, se plant que vous lus refuser justice. ir viens pour en scavoir la venite, car je suis semoncé de marcher en gibere contre vous de la reponse ent que valontiers il fera droit en sa cour, l'homme n'est point obligé de déferer a la requisition du bire, " is il dost mi le suivre, on se resoudre a paretre son tad, as le chef

Seigneur juraiste dans son refus Fuldissement de St Lonis, c 49 I have copied this from Velle, t ar p at t who has modernized the orthographs, which is almost unintelligible in the Orlumances des Rose One MS gives the reading Rat instead of Sugarar And the law certainly applies to the king exclusively, for in case of denial of justice by a mesne lord there was an appeal to the king a court, but from his injury their could be no appeal but to the sword † Du Cange, Observations our Journile, in Callection des Mé-

moures, t i p 100 It was always necessary for a varied to recounter FEUDAL SYSTEM Cetemonies of 1 Ho mage

CHAP II

The ceremonies used in conferring a fiet were principally three: homage, fealty, and investiture 1 The first was designed as a significant expression of the submission and devotedness of the vassal towards his lord. In performing homage his head was uncovered, his belt ungirt, his sword and spurs removed, he placed his hands, kneeling, between those of the lord and promised to become his nian from thenceforward, to serve him with life and limb and worldly honour, faithfully and lovally, in consideration of the lands which he held under him None but the lord in person could accept homage, which was commonly concluded by a kiss \* 2 An oath of fealty was indispensable in every fief, but the ceremony was less peculiar than that of homage, and it might be received by proxy. It was taken by ecclesiastics but not by minors; and in language differed little

from the form of homage † 3 Investiture, or the

actual conveyance of feudal lands, was of two

3 Investi-

2 Fealty.

his homage, before he made war on his lord, if he would could the shame and pendity of feed direction. After a reconciliation, the homage was renowed. And in this no distinction was made between the king and another superior. Thus Henry II did homage to the king of France in 1198, having resourced his torner obligation to him at the commencement of the preceding war. Matt. Paris, p. 126.

Du Cange, Hominium, and Carpentier's Supplement id vor Littleton, s 85 Assues de Jeru salem, c 204 Crag I s tit 11 Recuest des Historiens, t 11 pre face, p 174. Homagium per paragrum was unaccompanied any trudal obligation, and discussible from homagium ligean which carried with it mobiligate, of fidelity. The dukes of Normandy rendered only homage paragrum to the kings of Frame, and received the like from the dukes of Britany. In legs homage, it was usual to make reservations of allegance to the king or any other lord whom the homager had previously acknowledged.

† Littl s 9t. Du Cange, ros Fidelitas kinds, proper and improper. The first was an CHAP II actual putting in possession upon the ground, PART I othersby the lord or his deputy, which is called HIDAL in our law, livery of seisin. The second was symbolical, and consisted in the delivery of a turf, a stone, a wand, a branch, or whatever else might have been made usual by the caprice of local cus-Du Cange enumerates not less than ninetycight varieties of investitures \*

Upon investiture, the duties of the vassal com- Obligations These it is impossible to define or enumerate, because the services of military tenure, which is chiefly to be considered, were in their nature uncertain, and distinguished as such, from these incident to fends of an interior description. It was a breach of faith to divulge the lord's counsel, to conceal from him the machinations of others, to inpute his person or fortune, or to violate the suictity of his root and the honour of his family.†

\* Da Cange, von Investiture t Assiste de Jerusalem, c. 20% Ham in doit a la feme de son Might for, me a sa fille requerre vimine de son cors. ne n sa su u' et com elle est deminista en sin to I mention this part of ten-- luty on account of the light of times on the statute of trees in-.5 E III One of the treasure herein specified is, at omnit you last la compaigne le rev, ou esque file le roy nient morie, ou la com paigne feignt the et here le roy l'hone who, like hir F Coke aud the modern lawyers in general, explain this provision by the political danger of confusing the reval blood, do not apprehend its spirit It would be absord upon such grounds, to near be the violation of the king a class daughter track itthe so here ones as she remains marared when, is solvenis, the little of a spurious used in entary will not use I consafer this processor therefore as currely founded upon the tendal principles, who hashe it a breach of faith that is, in the primary wase of the word, a treasun to sails the lamour of the erri in that of the men resatume who were im mediately protected by residence in his house. It it is asked, why this should be restricted by the statute to the person of the sidest daughter, I can orly answer that System.

CHAP II In battle he was bound to lend his horse to his PART I. lord, when dismounted, to adhere to his side, FEUDAL while fighting; and to go into captivity as a hostage for him, when taken. His attendance was due to the lord's courts, sometimes to witness. and sometimes to bear a part in, the administration of justice '

Limitations of military SCIVICE

The measure, however, of military service was generally settled by some usage. Forty days was the usual term, during which the tenant of a knight's fee was bound to be in the field at his own expense t. This was extended by St. Louis to sixty days, except when the charter of infeudation expressed a shorter period. But the length of service diminished with the quantity of land. For

this, which is not more reasonable according to the common political interpretation, wanalogous to many feudal customs in our own and other countries which attribute a sort of supercority in dignity to the eldest daughter

It may be objected, that in the regue of Libered III then was little left of the tendal principle in any part of Lurope, and least of all in England. But the statute of treatons is a diclaration of the ancent law, and comprehends, undoubtedly, what the judges who drew it could find in records now perithed, or in legal traditions of remote antiquity. Similar causes of forfeiture are enumerated in the Labra Feuderum, 1 1 tit 5 and 1 n ot 24 In the Establishments of St Louis, c. 51, 52, it is easil, that a lord seducing his vassal a daughter, intrasted to his custody, lost his seigniory , a vastal guilty of the - importment towards the family of his suzeram, tortested his let ! A proof of the tendency which the feurlal law had to purify public morals and to create that sense ? indignation and resentment were which we now regard such breaches of honour

Assises de lerusalem, c. 22. A vassal, at least in many place. was bound to reside upon his hit or not to quit it without the kind consent. Do Cange, voc Re wantia, Remainintia Recueil des Historiens, t. xi. preface, p. 172

t In the kingdom of Jerusalem. feudal service extended to a year Assises de Jerusalem, c 230 li is obvious, that this was founded on the peculiar circumstances of that state. Service of castle-goard, which was common in the north of England, was performed without limitation of time Lyttleton's Henry II vol 11 p 184

half a knight's fee but twenty days were due; for CHAP II an eighth part but five, and when this was com- PART I muted for an escuage or pecuniary assessment, the PRUDAL same proportion was, observed." Men turned of STATEM. sixty, public magistrates, and, of course, women, were free from personal service, but obliged to send their substitutes. A failure in this primary duty incurred perhaps strictly a forfeiture of the But it was usual for the lord to inflat an amercement, known in England by the name of escuage.) Thus in Philip III.'s expedition against the Count de Forv in 1274, barons were assessed for their default of attendance, at a hundred sous 4 day for the expenses which they had saved, and Mrs sons as a fine to the king, bannerets, at

jist proportion to the value of the bet And the principle of the knight a fee was so consenient and reasonable, that it is likely to have been adopted in unitation of I nzland by other femilal countries In the r diof Philip III s exped tion, is will appear by a rear mine-diately below, there are, I tionk, several presumption evidences of it, and though this is rather a rate authority to establish a femilal prinnet, yet I have ventured to ancome it in the text

He singlets for was fixed in Inglined at the annual value of 20/ Lyery estate supposed to be of this value, and entired as such in the rolls of the exchequer, was bound to contribute the service of a soldier, or to pay an recurge to the amount assessed upon knights'

+ Littleton, Inc 3 Wright's Tensures, p 121

<sup>\*</sup> Du Cange voe Lendom nu 1985, Membrum Lorier Stuart's by word Society p. 9.2. This decision by kinglets for a sperfective ter than in the fend if two of Figand But I must confere my m dulity to adduce decrate evalence 4 it in that of I rance, with the 1962l exception of Normandy be ording to the natural principle I hele, it might seem that the same personal service would be "rouned from the tonant, whatever were the extent of his land Will ham the Longueror, we know, distributed this kingdom into along 60,000 parcels, of mariy equal value, from each of which the serthe of a soldier was due lie may possibly have been the mires for of this politic arrangement Some rule must however have been observed in all countries in fixing 'he amerenment for absence, which rould only be equitable if it bore a

PART I SYSTEM

CHAP II twenty sous for expenses, and ten as a fine knights and squires in the same proportion. But FEUDAL barons and bannerets were bound to pay an additional assessment for every knight and squire of their vassals whom they ought to have brought with them into the field \* The regulations as to place of service were less uniform than those which regard time. In some places, the vassal was not bound to go beyond the lord's territory, or only so far as he might return the same day Other customs compelled him to follow his chief upon all his expeditions! These inconvenient and varying usages betray the origin of the feudal obligations, not founded upon any national policy. but springing from the chaos of anarchy and intestine war, which they were well calculated to perpetuate For the public defence, then machinery was totally unserviceable, until such changes were wrought, as destroyed the character of the fabric

Feudal inci dents

Independently of the obligations of fealty and service, which the nature of the contract created,

brandus dietes Chahot dien quel non debet servitium domino reginisi in comitato Pictaviensi, et all sumptus reast, tamen venit ad preces regis cum tribus militibus et duodecim scutiferis (suido di Lusigniaco Dom de Pierac dicit quod non debet aliquid regi preser honagum
† This was the custom of Beau

roum Beaumanoir, c 2 ! Do Cange, et Carpentier, voc Hosta

Du Cheste, Script Regim Callicarum t v p 553 Daniel, Histoire de la Milice Françoise, p 72 The following extracts from the muster-roll of this expedition will illustrate the varieties of fendal obligation Johannes d'Ormoy de bet servitium per quatuor dies Johannes Maiet debet servitium per vigueti dies, pro quo servitio must Richardum Tichet (suido de Laval debet servitrum duorum militam et dimidii Dominus Se-

other advantages were derived from it by the lord, CHAP II which have been called foudal incidents, these PART L were I. Reliefs. 2 Fines upon alienation Escheats. 4. Aids J to which may be added, though not generally established, 5 Wardship, and 6 Marriage

1 Some writers have accounted for Reliefs in Robets the following manner. Benefices, whether depending upon the crown or its vassals, were not eriginally granted by way of absolute inheritance, but renewed from time to time upon the death of the possessor, till long custom grew up into right Hence a sum of money, something between a price and a gratuity, would naturally be offered by the heir on receiving a tresh investiture of the hef, and length of time might as legitimately turn this present into a due of the lord, as it rendered the inheritance of the tenant indefeasible. This is a very specious account of the matter who consider the antiquity to which hereditary benefices may be traced, and the unreserved expressions of those instruments by which they were created, as well as the undoubted fact, that a large proportion of fiels had been absolute alodial inhentances, never really granted by the superior, will perhaps be led rather to look for the origin of reliefs in that rapacity with which the powerful are ever ready to oppress the feeble. When a feudal tenant died, the lord, taking advantage of has own strength and the confusion of the family. would seize the estate into his hands, either by the right of force, or under some litigious pretext

PART 1. PEUDAL SYSTEM

CHAP.II Against this violence, the heir could in general have no resource but a compromise; and we know how readily acts of successful injustice change their name, and move demu'ely, like the wolf in the fable, under the clothing of law. other feudal incidents are said to have been estabhshedin France\* about the latter part of the tenth century, and they certainly appear in the famous edict of Conrad the Salic, in 1037, which recognizes the usage of presenting horses and arms to the lord, upon a change of tenancy | But this also subsisted under the name of heriot, in England, as early as the reign of Canute

A relief was a sum of money unless where charter or custom introduced a different tribute due from every one of full age, taking a fief by descent. This was in some countries arbitrary. or ad misericordiam, and the exactions practised under this pretence both upon superior and inferior vassals ranked amongst the greatest abuses of the feudal policy. Henry I of England promises in his charter, that they shall in future be just and reasonable, but the rate does not appear to have been finally settled, till it was laid down in Magna Charta, at about the fourth of the annual value of the fiel We find also fixed reliefs among the old customs of Normandy and Beau-

reasons, leads me to doubt the recerved opinion, that Italian fiels were not bernditary before the promaigation of this edict

<sup>·</sup> Ordonnances des Rois de France, t : preface, p. 10.

<sup>+</sup> Servato see valvamorum majotum zu tradendis armis aquisque sus seasonbus This, among other

voisis. By a law of St. Louis, in 1245,\* the lord CHAP, II was entitled to enter upon the lands, if the heir PART L could not pay the relief, and possess them for a FAUDAL year. This right existed unconditionally in Eng- System. land under the name of primer seisin, but was confined to the king.t

2. Closely connected with reliefs, were the fines time upon paid to the lord, upon the alienation of his vassal's

feud, and indeed we frequently find them called by the same name. The spirit of feudal tenure established so intimate a connexion between the two parties, that it could be dissolved by neither without requiring the other's consent lord transferred his seigmory, the tenant was to testify his concurrence, and this ceremony was long kept up in England under the name of at-The assent of the lord to his vassal's alienation was still more essential, and more difficult to be obtained. He had received his fiel, it was supposed, for reasons peculiar to himself, or to his family, at least his heart and arm were bound to his superior, and his service was not to be exchanged for that of a stranger, who might be unable, or unwilling to render it. A law of Lo-

\* Ordonuances des Ross, p. 55 † Du Cange, v. Plactium, Rele-vium, Sporla By many costoms, a relief was due on every change of the lord, as well as of the vassal, but this was not the case in Engiand Beaumont speaks of rehefs as due only on collateral succession Coltumes de Beauvoisis, r 27 In Anjou and Maure they were not even due upon successon between brothers. Orden M. de Pastoret, in his valuable preface to the sixteenth volume of that collection, anys it was a rule, that the king had nothing upon lineal succession of a fiel, whether in the seconding or descending line, but la bombe et les mains, s e homage and fulls, p 20

PARTI PELDAL SYSTEM.

CHAP.II thaire II in Italy forbids the alienation of fiefs. without the ford's consent.\* This prohibition is repeated in one of Frederic I and a similar enactment was made by Roger lying of Sierly, t By the law of France the lord was entitled, upon every alienation made by his tenant, either to redeem the fiel by paying the purchase-money, or to claim a certain part of the value, by way of fine upon the change of tenancy! In England even the practice of sub-infeudation, which was more conformable to the law of fiels and the military genius of the system, but injurious to the suzerams, who lost thereby their escheats and other advantages of seigmory, was checked by Magna Charta, and forbidden by the Statute 15

> · Lib Tendorum 1 ii tit 9 and 52 This was principally levelled at the practice of thenating fendal property in layour of the church, which was called, pro at ma judicare. Badevicus in Cestis Frederic I I to C 7. Lab. Foud I i tit 7, 16 I ii tit 10.

histand by the latter. Crisens tions this distinction as one for which he as peoplex deto account. In-Teudale 1 in ht 1 p 1 12 It is however principly intelligible. upon the original principles of feudul tenure

<sup>+</sup> Giannone, I in it 1 Du Cange, v. Reaccapitum, Placitum Rachatum Pastoret, preface au sembme tom- des Or-domanics, p. 20 Howard, Dict du Droit Normand Art 1 of Argou, Inst. do Droit François I in c a lu Beaumanoir's age and district at least, sub infend dum without the lord's licence incurred a forfeiture of the land, and his reason extends of course more de Beauvoiss, c. 2 Velly, t. vi p 187 But, by the general law of feuds, the former was strictly regular, while the tenant forfested

that the 42d chapter of Mix i Charta relates to then atten, and not to sub-infeudation. I sees a Feudal Property, echt 17 8 p 8 See Sur F. Coke 2 Inst process if 501, and Wright or Tenures contra. Mr Hargrive observes that " the history of our law with respect to the powers of alienation before the statute of Quia imp tores terrarum is very much in Notes on volved in obscurity (o Latt 43 a. In Glanville s time, apparently, a man could only alienate (to bold of himself) rationshilem partem de terrà sua I vu. c. 1. But this may have

Edward I. called Quia Emptoxes, which at the CHAP.II. ame time gave the liberty of alienating lands, to PART L be holden of the grantor's immediate lord. The FRIDAL tenants of the crown were not included in this SISTEM. act, but that of 1 Edward III c 12, enabled them to alienate, upon the payment of a composition into chancery, which was fixed at one-third of the annual value of the lands \*

These restraints, placed for the lord's advantage upon the transfer of feudal property, are not to be confounded with those designed for the protection of heirs and preservation of tamilies. Such were the pus protinescos, in the books of the fiels,1 and retrait lighager of the French law, which gave to the relations of the vendor a pre-emption upon the sale of any fiel, and a right of subse-Such was the positive proquent redemption hibition of alienating a field by descent from the father, feudum paternum, without the consent of the kindred on that line ! Such too were the still more rigorous fetters imposed by the English statute of entails, which precluded all lawful dienation, till, after two centuries, it was overthrown by the fictitious process of a common re-

teen in favour of the kindred as much as of the lord. Dairymple's Faves, the supra

, ;

It is probable, that Coke is mistaken in supposing, that " at the common law, the tenant might have made a feufiment of the whole tenancy to be holden of the

<sup>\* 2</sup> last p 66 Blackstone's Commentaries, vol. ii 0. 3

t lib lead lyt 13 were analogue to this juneyour room in the Roman law, and, still more closely, in the constitutions of the later Byzantine emperors

<sup>1</sup> Alienatio trudi paterni non valet etiam domini voluntate, mas agnatis consentientibus Lib Faud apud Wright on Tenures, p 108 and 1 16

FEUDAL SYSTEM.

CHAP II. covery. Though these partake in some measure PART I. of the feudal spirit, and would form an important head in the legal history of that system, it will be sufficient to allude to them in a sketch, which is confined to the development of its political influence.

> A custom very similar in effect to sub-infeudation, was the tenure by frérage, which prevailed in many parts of France. Primogeniture, in that extreme which our common law has established. was unknown, I believe, in every country upon the continent. The customs of France found means to preserve the dignity of families, and the indivisibility of a feudal homage, without exposing the younger sons of a gentleman to absolute beggary or dependence Baronies andeed were not divided, but the eldest son was bound to make a provision in money, by way of apanage, for the other children, in proportion to his circumstances and their birth.\* As to inferior fiefs, in many places, an equal partition was made, in others the eldest took the chief portion, generally twothirds, and received the homage of his brothers for the remaining part, which they divided lord of whom the fief was held, himself did homage for the whole 1. In the early times of the feudal

Flanders and Hainault tenne, Thesaurus Anecdotor L. 1 p 1092 The customs as to succrasson were exceedingly various, as undeed they continued to be mutil the late generalization of French law. Recueil des Hastor t 11 preface, p 108. litet. de

<sup>·</sup> Du Cange, v Apanainentum, Baro Baronie ne depart me entre frères se leur perr ne leur a tut partie, mes le aminez doit faire avenunt bienfet au puimé, et si doit les filles marier. Etablissein de St Louis, c 24

<sup>†</sup> This was also the law of

policy, when military service was the great object CHAP II. of the relation between lord and vassal, this, like PART L all other sub-infeudation, was rather advantageous FRI DAL to the former. For, when the homage of a fief was divided, the service was diminished in proportion. Surpose, for example, the obligation of military attendance for an entire manor to have been forty days, if that came to be equally split among two, each would owe but a service of twenty instead of being homagers to the same suzerain. one tenant held immediately of the other, as every fendatary might summon the aid of his own vassals, the superior lord would in fact obtain the Whatever opposition, therefore, service of both was made to the rights of sub-infeudation or frerage, would indicate a decay in the military character, the living principle of feudal tenure cordingly in the reign of Philip Augustus, when the fabric was beginning to shake, we find a confederate agreement of some principal nobles, sanctioned by the king, to abrogate the mesne tenure of younger brothers, and establish an immediate dependence of each upon the superior lord . This, however was not universally adopted, and the original frérage subsisted to the last in some of the customs of France.†

3 As ficts descended but to the posterity of the basen first taker, or at the utmost to his kindred, they feetures

Languedoc, tiip 111 and 511 In the former work at 16 said that primagemiture was mareduced by the Normans from Scandingsvie.

† Du Cange Dissert III sur Jonnille Beauman c 47

<sup>\*</sup> Ordonances des Rois, 1 i.

FEUDAL SYSTEM.

CHAP II. necessarily became sometimes vacant for want of heirs, especially where, as in England, there was no power of devising them by will. In this case, it was obvious that they ought to revert to the lord, from whose property they had been derived These reversions became more frequent through the forfeitures occasioned by the vassal's delinquency, either towards his superior lord, or the state' Various cases are laid down in the Assises de Jerusalem, where the vassal forfeits his land, for a year, for his life, or for ever \* But under rapacious kings, such as the Norman line in England, absolute forfeitures came to prevail, and a new doctrine was introduced, the corrintion of blood, by which the heir was effectually excluded from deducing his title at any distant time, through an attainted ancestor

Auls.

4. Reliefs, fines upon alienation, and escheats seem to be natural reservations in the lord's bounty to his vassal He had rights of another class which principally arose out of fealty and intimate attachment Such were the aids which he was entitled to call for in certain prescribed These depended a great deal circumstances upon local custom, and were often extorted unreasonably Du Cange mentions several as having existed in France, such as an aid for the lord's expedition to the Holy Land, for marrying his sister, or eldest son, and for paying a relief to his suzerain on taking possession of his land †

<sup>°</sup> C 200, 201

Of these, the last appears to have been the most CHAP II usual in England But this, and other aids occasionally exacted by the lords, were felt as a severe HIDAL gnevance, and by Magna Charta three only are retained, to make the lord's eldest son a knight. to marry his eldest daughter, and to redeem his inison from prison They were restricted to nearly the same description by a law of William I of Sicily, and by the customs of France . These feudal aids are deserving of our attention, as the beginnings of taxation, of which for a long time they in a great measure answered the purpose, till the craving necessities and covetous policy of kings substituted for them more durable and onerous burthers

I might here, perhaps, close the enumeration of fendal incidents, but that the two remaining, wardship and marriage, though only partial customs, were those of our own country, and tend to illustrate the rapacious character of a feudal anistocracy

5 In England, and in Normandy which either washing led the way to or adopted all these English institutions, the lord had the wardship of his tenant during minority ! By virtue of this right, he had both the care of his person, and received to his own use the profits of the estate. something in this custom very conformable to the

<sup>\* (</sup>rannone, ) xn c 5 Velly, t vi p 200 Ordonosoces des Rous, i i p 138 i avi préface † Rocueil des Husteriens, i ai

pref p 162 Argon, Inst au Druit François, l 1 c b Houard, Anciennes Luis des François, t i p 147

PEUDAL. SYSTEM

CHAP. II. fendal spirit; since none was so fit as the lord to train up his vassal to arms; and none could put in so good a claim to enjoy the fief, while the military service for which it had been granted was suspended. This privilege of guardianship seems to have been enjoyed by the lord in some parts of Germany, but in the law of France, the custody of the land was entrusted to the next heir, and that of the person, as in socage tenures among us, to the nearest kindred of that blood which could not inherit.t. By a gross abuse of this custom in England, the right of guardianship in chivalry,

> Schilter, Institutions Juris Feudalis, p 25

> † Du Cange, v Custodia siecs de Terusalem, c. 178 Etablissemens de St Louis, c 17 Beaumanoir, c 15 Argon, 1 i c 6 The second of these uses nearly the sames-apression is Sir. John I orteneur in accounting for the exclusion of the next heir from guardianship of the person, that manyaise convoitise it farroit faire

la garde du l'orp.
I know not any mistake more usual in English writers who have treated of the fendal law, than that of supposing, that guardianship in chivalry was an universal custom. A charter of 1190, in Rymor, to p 105 seems indeed to imply that the meidents of garde noble and of marriage existed in the rele of Oleron. But Eleanor, by a later instrument, grants that the inhabitants of that island should have the wardship and marriage of their beers without any interposition, and expressly abrogates all the vil troduced p 112 From hence I

should mier, that Henry II hal endeasoured to impose these fee dal burthens, which perhaps were then new even in Inglited suphis continental dominious Radulplois de Danto tella us of a claim made by him to the ward ship of Chateaurous in Berry, which could not legally have been up pretensions to the custody of the duchy of Britany, after the death of his son Cooffice. This might perhaps be justified by the law of Normands, on which Butany depended But Philip Augustus made a similar claim In fact, these police al assertions of right prompted by ambition, and supported by force, are bad precedents to establish rules of jurisprudence. Both Philip and Henry were abundantly disposed to realize so convenient a prerogative as that of guardianship in chivalry over the fiefs of their vas-sals. Lyttleton's Henry II vol m p 441

or temporary possession of the lands, was assigned CHAP.II. over to strangers. This was one of the most PART L. vexatious parts of our feudal tenures, and was FEUDAL never perhaps more sorely felt, than in their last System. stage under the Tudo; and Stuart families.

Another right given to the lord by the Marnace Norman and English laws was that of marriage, or of tendering a husband to his female wards, while under age, whom they could not reject without forfeiting the value of the marriage; that is, as much as any one would give to the guardian for such an alliance. This was afterwards extended to male wards, and became a very lucrative source of extortion to the crown, as well as to mesne lords. This custom seems to have had the same extent as that of wardships. It is found in the ancient books of Germany, but not of France.\* The kings, however, and even inferior lords of that country, required their consent to be solicited for the marriage of their vassals' daughters. Several proofs of this occur in the history, as well as in the laws of France, and the some prerogative existed in Germany, Sicily, and England 1 A still more remarkable law prevailed

Wright on Ichures, p 94 St Louis in return, declared that he would not marry his own-laughter without the consent of his barons Joinville, t ii p 140 Henry I of Lingland had promised the same The guardian of a female minor was obliged to give we unity to her lord not to marry her without his constat Liablesemens de St. 1 -Lonus, c 63

Schilter, ubi supra Du Cango, voe Disparagare, seems to ulmit this feudal right in I rance but the passages he quotes do not support it Sec also the word Mantagium

<sup>†</sup> Ordonnances des Rois til p 155 Assises de Jerus c. 180 and Thaumassicres note Du Cange, ubi supra Glanvil I vii c 12 Grannone, I xi c 3

PART I FECDAL SYSTEM

CHAP II in the kingdom of Jerusalem. The lord might summon any female vassal to accept one of three whom he should propose as her husband. other condition seems to have been imposed on him in selecting these systers, than that they should be of equal rank with herself the maiden's covness, nor the widow's affliction, neither aversion to the proffered candidates, nor love to one more favoured, seem to have passed as legitimate excuses. One, only one plea, could come from the lady's mouth, who was resolute to hold her land in single blessedness. It was, that she was past sixty years of age, and after this unwelcome confession, it is justly argued by the author of the law book which I quote, that the lord could not decently press her into matrimgay \* However outrageous such an usage may appear to our ideas, it is to be recollected that the peculiar circumstances of that little state rendered it indispensable to possess in every fiet a proper vassal to fulfil the duties of war

> These feudal servitudes distinguish the maturity of the system. No trace of them appears in the capitularies of Charlemagne and his family, nor in the instruments by which benefices were granted I believe that they did not make part of the regular feudal law before the eleventh, or perhaps the twelfth century, though doubtless partial usages of this kind had grown up antecedently to either

though he quotes no authority Ordonnances des Rois, p. 155

Ass de Jérus c 224 I must observe, that Laursere says this usage prevailed en plusieurs lieux,

of those periods. If I am not mistaken, no allu- CHAP II. sion occurs to the lucrative rights of seigniory in PARI I. the Assises de Jérusalem, which are a monument HUDAL of French usages in the eleventh century. Indeed \$251EM that very general confimutation of alodial property \* into tenure, which took place between the middle of the ninth and eleventh centuries, would hardly have been effected, if fiefs had then been hable to such burthens and so much extortion. In halfbarbarous ages, the strong are constantly encroaching upon the weak, a truth, which, if it needed illustration, might find it in the progress of the feudal system

We have thus far confined our inquiry to fiels Proper and holden on terms of military service, since those feeds. are the most ancient and regular, as well as the most consonant to the spirit of the system. alone were called proper feuds, and all were presumed to be of this description, until the contrary was proved by the charter of investiture per feud was bestowed without price, without fixed stipulation, upon a vassal capable of serving personally in the field. But gradually, with the help of a little legal ingenuity, improper fiefs of the most various kinds were introduced, retaining little of the characteristics, and less of the spirit which distinguished the original tenures. Women. if indeed that were an innovation, were admitted to inherit them. \* they were granted for a price,

Women did not inherit fiefs they were ever excluded from sucin the German empire. Whether custion in France, I know not, the

CHAP II and without reference to military service. The PART I language of the feudal law was applied by a kind of metaphor to almost every transfer of property Hence, pensions of money, and allowances of provisions, however remote from right notions of a hef, were sometimes granted under that name, and even where land was the subject of the donation, its conditions were often lucrative, often honorary, and sometimes ludicrous.

Fiels of office

There is one extensive species of feudal tenure which may be distinctly noticed. The pride of wealth in the middle ages was principally exhibited in a multitude of dependents. The court of Charlemagne was crowded with others of every rank, some of the most eminent of whom exercised functions about the royal person, which would have been thought fit only for slaves in the palace of Augustus of Antonine The free born Franks saw nothing menial in the titles of cup-bearer, steward, marshal, and master of the horse, which are still borne by the noblest families in every country of Europe, and by sovereign princes in the Empire From the court of the king, this favourite piece of magnificence descended to those of the prelates and barons, who surrounded themselves with household officers called ministerials, a name equally

genius of a mintary tenure, and the old Tentonic customs, processed in the Salic law, seem adverse to their passession of fead it lands, yet the practice, at least from the eleventh century downs ords, does not support the theory.

. Crag Jus Fendale, la tit to

Du Carge, vor Feudum de Camera, &c. In the treaty between Henry Lof England and Robert count of Landers, A D 1101, the king stipulates to pax annually 100 markeel silver, in toodo, for the military service of his ally Hymer, Fordera, Li p 2 applied to those of a servile and of a liberal description. The latter of these were rewarded with that I art I grants of lands, which they held under a feudal tenure by the condition of performing some domestic service to the lord. What was called in our law grand sericanty affords an instance of this species of field. It is, however, an instance of the noblest kind, but Muratori has given abundance of proofs, that the commonest mechanical arts were carried on in the houses of the great, by persons receiving lands upon those conditions.

These imperfect feuds, however, belong more properly to the history of law, and are chiefly noticed in the present sketch, because they attest the partiality manifested during the middle ages to the name and form of a feudal tenure. In the regular military fief we see the real principle of the system, which might originally have been defined, an alliance of free land-holders arranged in degrees of subordination according to their respective capacities of affording mutual support

The peculiar and varied attributes of feudal Feudal law lenures naturally gave rise to a new jurisprudence, regulating territorial rights in those parts of Europe

Schnadt, Hist des Allemands, t in p. 92. Du Cange, v. Faun ha, Ministeriales

<sup>† &</sup>quot;This tinure," says Lattleton "is where a man holds his lands or trie ments of our sovereign lord the king by such services as he ought to do in his proper person to the king, as to carry the hanner of the king or his lance, or to lead

his array or to be his marshal, or to carry his sword before him at his coronation or to be his source at his coronation, or his corryer, or his butler, or to be one of his charaberlains at the receipt of his exchaquer, or to do other like services." Sect. 153

<sup>!</sup> Antiq Ital Dissert 11 ad finem

4YSIFM

CHAP II which had adopted the system For a length of time, this rested in traditionary customs, observed FEUDAL in the domains of each prince or lord, without much regard to those of his neighbours. Laws were made occasionally by the emperor in Germany and Italy, which tended to fix the usages of those countries. About the year 1170, Giraid and Obertus, two Milanese lawyers, published two books of the law of fiels, which obtained a great authority, and have been regarded as the groundwork of that jurisprudence \* A number of subscquent commentators swelled this code with their glosses and opinions, to enlighten or obscure the judgment of the imperial tribinals These were chiefly civilians or canonists, who brought to the interpretation of old barbaric customs the principles of a very different school. Hence a manifest change was wrought in the law of feudal tenure, which they assimilated to the usufruct or the emphyteusis of the Roman code, modes of property somewhat analogous in appearance, but totally distinct in principle from the legitimate fief. These Lombard lawyers propagated a doctrine, which has been too readily received, that the feudal system originated in their country, and some writers upon jurisprudence, such as Duck and Sir James Craig. incline to give a preponderating authority to their But whatever weight it may have possessed code within the limits of the empire, a different guide

Gamione, Ist di Napoli, I. are printed in most editions of the The Libra Feudorum Corpus Juris Civilia.

must be followed in the ancient-customs of France curve in and England \* These were fresh from the tours- PARLI tain of that curious polity, with which the stream Frinat of Roman law had never-mingled its waters England we know that the Norman system established between the conquest and the reign of Henry II., was restrained by regular legislation, by paramount courts of justice, and by leasned writings from breaking into discordant local usages. except in a comparatively small number of places. and has become the principal source of our common But the independence of the French nobles produced a much greater variety of customs. The whole number collected and reduced to certainty in the sixteenth century amounted to two hundred and eighty-five, or omitting those meonsiderable for extent or peculiarity, to sixty. The earliest written customary in France is that of Bearn, which is said to have been confirmed by Viscount Gaston IV in 1088 | Many others were written in the two subsequent ages, of which the customs of

In SISTEM

 Grantonic explicitly contrasts the I reach and I ambard loss respecting nefs. The later was the foundation of the Libra Leud com, and formed the remains law of Italy The former was introduced by Roger Courseard into his door. nions, in three books of con title tions, printed in Lindebrog scol lection. There were several material differences, which Germania enumerates, especially the Norman custom of primogeniture. Ist in Naplzi 5

† There are two editions of this curious old code, one at Pau, in 1 o.2 republished with a trest uit que indipenissen afflers IV in 1902 by other a Lewise in Ind ... Have live, as we read centure subscipination revision made in the modific of the sixteenth century, in which they were core or less characted. The basis how ever, is unquestionable very in cient. We even find the composition for how cide personal to them, so den marder was not a capital offence is Been, though polibers was on to the onea di Homicides, Art. xxxi. See too Ru broade Parity Art rand it

SISIEM

CHAP II Beautorsis, compiled by Beaumanoir under Philip III, are the most celebrated, and contain a mass FELDAL of information on the feudal constitution and manners Under Charles VII, an ordinance was made for the formation of a general code of customary law, by ascertaining for ever in a written collection those of each district, but the work was not completed till the reign of Charles IX This was what may be called the common law of the pancontinuos, or northern division of France, and the rule of all their tribunals, unless where controuled by royal edicts

## . Part ii

Analysis of the Lodel System. Its load extent-Luca or the dethent Older t Souty doing the Lockil Ages- Sphility their Raul swell Provides to Clogy-Iromen-Serfson Viller -Comparative State of Lance and Germany-Privileges inp yed by the I reach Lassals - Right of consulg Money -- Ind of private Bar -- Increasely trees Taxation-Historial Vanet the Replie a ve I are - Methods adopted to argue at the t the Cover & - Legislation Perco-Hypitate rich the Merciagian Koge - and Obelinegae. His Carels. Superson of any grand Lighthat Authority lang the principle of I at I Proof to It Kong's Const. M. D. Contrast, I to Suff by the Back of a National Secondly- $G_{00}h(x^{0}P) \subseteq (\infty,\eta) th((K-2)) Tr2^{-1} vice Point + Philip B$ a cold to See Gracel D a Power lighted to Leather State and rich Societ Pot p II - States of A Count A Cou -- They were a effect are whe Recording - Du Cron vector re its Ligron - State at 1 to moder Charle 31. S b open at Assertable ander Charle II and Charle III Let "" being a more and more absolute - Louis M. State of Louis in 1484. Historical Facing the distinguish over 12 with at stage under the first Race of Kings, and Chiral eight. Terretorial Jurisdiction- Tendal Courts of Justice - It all by Combat -Code of St. Lenes - Pr. Teerdoral Just december greening -Progress of the Tedoral Power of the Comm. Pro-most of Paris - Peris + I ran c - Increased Authority of the Parliament -Registration of I does Causes of the Doeling of Lodal System-Acquiretions of Domain by the Crean-Charters of Incorporation granted to Torns-Then previous Condition-First Charters in the twelfth Century - Providences entained in them-Military Service of Foudal Tenants connected for Money -Hired Troops-Change in the Military System of LuropeGeneral View of the Advantages and Disadvantages attending the Teulal System

FED 11 51511 M Analog o a to the few dal tenure

CHAP II Ir has been very common to seek for the origin of feuds, or at least for analogies to them, in the history of various countries But, though it is of great importance to trace the similarity of customs in different parts of the world, because it guides us to the discovery of general theorems as to human society, yet we should be on our guard against seeming analogies, which vanish away when they are closely observed. It is easy to find partial resemblances to the feudal system. relation of patron and client in the Roman repubhe is not unlike that of lord and vassal, in respect of mutual fidelity, but it was not founded upon the tenure of land, nor military service veteran soldiers, and, in later times, some barbaman allies of the emperors, received lands upon condition of public defence, but they were bound not to an individual lord, but to the state a resemblance to ficts may be found in the Zemindaries of Hindostan, and the Timanots of Turkey The clans of the Highlanders and Irish followed their chieftam into the field, but their tie was that of imagined kindred and respect for birth, not the spontaneous compact of vassalage. Much less can we extend the name of feud, though it is sometimes strangely misapplied, to the polity of Poland and Russia. All the Polish nobles were equal in rights, and independent of each other, all who were less than noble, were in servitude

No government can be more opposite to the long CHAP II gradations and mutual duties of the feudal Sys PART II tem \*

FFI DAL ~1 ~1 F M.

The regular machinery and systematic establishment of feuds, in fact, may be considered as al- Funt of most confined to the dominions of Charlemagne, the icold and to those countries which afterwards derived it from thence. In England, it can hardly be thought to have existed in a complete state before the conquest Scotland it is supposed, borrowed it soon atter from her neighbour The Lombards of Benevento had introduced feudal customs into the Neapolitan provinces, which the Norman conquerors afterwards perfected Frudal tenures were so general in the kingdom of Aragon, that I reckon it among the monarchies which were tounded upon that basis 1. Charlemagne's empire,

 La cavil history many action is a ght be to nd of feuld or no tion in country's not regulated by the fendal law. Thus Selden na published an interelation of a visfod of Moldavia by the king of Poland, A.D. 14, i, in the regular to us colour pool 4. But these political fiets have har live investigaargum with the general system, and mirely denote the calculation ton of one prime or people to a enther

† It is probable that featel to nore was as amount in the morth of Spain, as in the contiguous provinces of France But it seems to have chiefly prevuled in Aragon about the tweltth and thirteenth centuries, when the Moors south of the bbro were subdued by the enterprize of private nobles, who,

alter conquering estates for themserves, did homest for turn to the kins. Times I upon the reduction of Valencia, granted linels by way of help on condition of deterding that kind on a constitle Misors and residing personally upon the estate. Many did not perform this engagement, and were deprived of the lands in consequince. It appears by the testament of this monarch, that fendal tenures substated in every part of his dominions. Martenne, Thesturus Ameedotorum, t. r. p. 1141-1155 - Ameelich of Peter II. in 1210 prolabate the alienation of emphyteuses authorit the lord sconsent. It is hard to say, whether regular fiels are meant by this word Dr Man's Marca Huspanica, p 1406 Phis author says, CHAP, II it must be remembered, extended as far as the PART II. Ebro But in Castile\* and Portugal they were very rare, and certainly could produce no political effect. Benefices for life were sometimes granted in the kingdoms of Denmark and Bohenna † Neither of these, however, nor Sweden nor Hungary, comes under the description of countries influenced by the feudal system † That system, however after all these limitations, was so extensively different to the countries of the countries in the co

that there were no critery for his

The Arigones in 6 (19) in he second to be coldified in a those of other countries in some respects Zuria mentions nets according to the custom of Hale, which he explains to be such as were take to the neural fould and for marriage the hosts daughter, and single-case of Weiner inher the elong that these presentations were net custoffers. Arigon Anal soft Arigon, that he professional and soft Arigon, the p. 62.

\* What is said of vissal no in Alfonso N. s. code, T. is sicte partidre, is short and of a certain I cost on that it me on invitous nore then countary cone, addisor, the custom nextremed in the former part of this chapter from which the visual might depart it pheasure See, however, Du Cange, · Honor, where authorities are given for the existence of Castilian field, and I have met with occusional mention of them in history I believe that tenures of this kind were introduced in the formenth and fifteenth centures but not to any great extent Marins, I.o. ria de las Cortes, t in p. 14. Tenures of a feudal nature as

Tenures of a feudal nature as I collect from I rearn Institut Juris Lustani, tom ii t 1 and J existed in Portugal though the poliousy the crown prevented the system to in longer table field. There were constructed upon doctions in that kingdom, though not, it has to exgencies, in Castile.

† Danie rekni politicus states L' var 1640 – Stransky Ric<sub>12</sub> bec Rotenara, Ric II. oacortib out at Denste Institute 45, Sweno A are a real this copiess in W. denices, patris tino pontic bievo Long Oak, Sup Toman Disc tup 62. By this home nest he duchy of Sassing not a neglect in honour or rose in many issues 3 hy Walley Savo Grammation cills it more classeally, pate a pratective funds. Stoop as in later times is metion wheat as a het hut tus does net eite bee imply that lands in Denmark proper were bendal, of which I find in er ele nec

? Though their were no feeds to ture in Switch in yet the nodulity and others in Switch in yet the nodulity and others were exempt from taxyon can litten of serving the kins with a horse and a distinction was taken between librarial tributarias. But any one of the latter might become of the former class, or view serving Succine description. Elizevir 1031 p. 92

fused, that it might produce confusion, as well as CHAP II prolixity, to pursue the collateral branches of its PARTIL history in all the countries where it prevailed HUDAI But this embarrassment may be avoided without SYSTEM any loss, I trust, of important information English constitution will find its place in another portion of these volumes, and the political condition of Italy, after the eleventh century, was not much affected, except in the kingdom of Naples, an inconsiderable object by the laws of fendal I shall confine myself, therefore, chiefly to France and Germany, and far more to the But it may be tormer than the latter country expedient first to contemplate the state of society in its various classes during the prevalence of tendal principles, before we trace their influence upon the national government

It has been laid Acwir already as most probable cross a that no proper aristociaey, except that of wealth, Solice was known under the early kings of France and it was hinted that hereditary benefices, or, in other words, fiels, might supply the link that was wanting between personal privileges and those of descent The possessors of beneficiary estates were usually the richest and most conspicuous individuals in the estate. They were immediately connected with the crown, and partakers in the exercise of jus-Their sons now came to tice and royal counsels inherit this emmence, and, as fiels were either inalienable, or at least not very frequently alienated, rich families were kept long in sight, and, whe-

CHAP II ther engaged in public affairs, or living with magnificence and hospitality at home, naturally drew FELDAL to themselves popular estimation. The dukes and counts, who had changed their quality of governors into that of lords over the provinces intrusted to them, were at the head of this noble class. And in imitation of them, their own vassals, as well as those of the crown, and even rich alodialists, assumed titles from their towns or eastles, and thus arose a number of petty counts, bargns, and vis This distinct class of nobility became co-extensive with the feudal tenures military tenant, however poor, was subject to no tribute, no prestation, but service in the field, he was the companion of his lord in the sports and feasting of his eastle, the peer of his court, he fought on horseback, he was clad in the coat of mail, while the commonalty, it summoned at all to war, came on foot and with no armour of defence As every thing in the habits of society conspired with that prejudice, which, in spite of moral philosophers, will constantly raise the profession of arms above all others, it was a natural consequence. that a new species of aristocracy, founded upon the mixed considerations of birth, tenure, and occupation, sprang out of the feudal system possessor of a fief was a gentleman, though he owned but a few acres of land, and furnished his slender contribution towards the equipment of a In the Libri Feudorum indeed, those who were three degrees removed from the emperor

in order of tenancy, are considered as ignoble, CHAP.IL but this is restrained to modern investitures, and PART IL in France, where sub-infeudation was carried the FFLDAL farthest, no such distinction has met my obser- SYSTEM. vation.1

There still, however, wanted something to ascertain gentility of blood, where it was not marked by the actual tenure of land. This was supplied by two innovations devised in the eleventh and tweltth centuries, the adoption of sirnames, and of armorial bearings. The first are commonly referred to the former age, when the nobility began to add the names of their estates to their own, or, having any way acquired a distinctive appellation, transmitted it to their posterity! As to armorial bearings, there is no doubt that emblems somewhat similar have been immemorially used The shields of ancient both in war and peace warriors, and devices upon coms or seals, bear no distant resemblance to modern blazonry. But the general introduction of such bearings, as hereditary distinctions, has been sometimes attributed to tournaments, wherein the champions were distinguished by fanciful devices sometimes to the

<sup>•</sup> I n t 10

The nobility of an alastial posweston, in France, depended upon its right to territorial jurisdiction Hence there were fram-aleux nobles, and franc alous roturiers, the latter of which were subject to the jurisdiction of the neighbouring lord Loiseau, Trante des Seig-neurieup 76 Denisart, Dictionnaires de Decisions art I rancalen

<sup>!</sup> Mabilion, Trate de Diplematique, I n c 7 The others of the Nouven Trute le Diplomanque, tu problem de use of sirnames in a few instincts even to the beginning of the tenth century, but they did not become general according to them, till the thirteenth

PART II FEUDAI SYSIFM

CHAP II crusades, where a multitude of all nations and languages stood in need of some visible token to denote the banners of their respective chiefs fact, the peculiar symbols of heraldry point to both these sources, and have been borrowed in part from each \* Hereditary arms were perhaps scarcely used by private families before the beginning of the thirteenth century | From that time, however, they became very general, and have

\* Mem de l'Acad des histrip-

tions t xx p 579 + I should be unwilling to make a negative assertion pereint for le in a matter of more antiquence research, but I am not aware of any docume evidence that hereditary trins were borne in the twelith century, except by a very few royal or almost royal tradities. Malellon, Traite de Diplomatique 1 ii e Here it confires the lair, count of Anjou, who died, is 11 de, are extinction his shield in ure four hone compant or Hist duteraire de la France, tora i 165 If arms had been considered as hereditary at that time, this should to the bearing of England, which, as we all know, differs considerabis Lems VII sprinkled his seal and com with fleurs de lys, a very am is ut device, or rather ornament, and the same as what are sumetimes called bees. The golden ornaments found in the tomb of Childene I at Iournay, which may be seen in the library of l'aris, may pass either for flour- do by or hers Charles V reduced the number to three, and thus used the arms of brance. The counts of Toulouse used their cross in the twelfth age, but no other arms, Unissette tells us, can be tirreed in Linguidoc so terback tim 👣

Armonal beam were many more the Screen damage. Level crossible as a pours by a progenic longith, for p (Care todes Meneric) (ad Dir Curses not upon it. Perhaps however they has be to be a Up also mutation of the Franks like the cereme meant and todowed Villaret agentially constants, that the separation of different braiches of the some family be their withern is in Palestine led to the use of hereditary arms, in order to preserve the connexion

M. Sismondi, I observe, coms to entertain no doubt that the noble tamilies of Pasa, including that whose name to bears, leid their armorial distinctions in the be mining of the twelfth century Hist des Republifial tip 373 It is at least probable, that heraldic devices were as ancient in Italy 45 in inv part of Europe And the authors of Neuveau Traite de Diplomatique, tax p. 388 ancline to refer bereditary trms even in France to the beginning of the twelfth century, though without producing any evidence for this.

contributed to elucidate that branch of history, CHAP II whatever value we may assign to it, which re- PART II. ্রকীds the descent of illustrious families

HII DAL

When the privileges of birth had thus been SISTIM. rendered capable of legitimate proof, they were Person enhanced in a great degree, and a line drawn between the high born and ignoble classes, almost as broad as that which separated liberty from servitade. All offices of trust and power were conferred on the former, those excepted, which appertain to the legal profession. A pfebian could not possess a fief \* Such at least was the original strictness, but as the aristocratic principle grew weaker, an indulgence was extended to heirs, and afterwards to purchasers | They were even permitted to become noble by the acquisition, or at least by its possession for three generations ! But

\* We have no fights a ord that mays the full or of column How glorious is the element in our political language, and how different are the ideas suggested by commoner ' Roturier, according to Du Cango, is derived from rupfurnities, a pe as int, ab agruin rumpend c

t De Is add barents of St Lour torbid this innovation, but Be innation contends that the prefit button does not extend to descrit or marriage c 48. The roturner who acquired a net, if he chall lenged any one, fought with ignoble arms, but in all other respects was treated as a gentleman riod. Let a knight was not obliged to do homage to the returner, who hecame his superior by the acquiretion of a fiet on which he depended

Carpentier, Supplement ad Du Corgo vos Homación

! I taldissements de St. Leuis, c 14 s and note, in Ordenmines des Rois tar Secuso pertue to the same volume, p. xii. According to Maldy, the possession of a heldel not cease to confer to blob (analogous) over barons lostenon a till the Ordonamo de bios in 1570 Observations sur life to the Irince, & m e i note ti liut lauriere, author of the prefice above cited, refers to Boutether, a writer of the sourteenth century. to prove that no one could be come and ic without the king's authority The controllection will not much perplex ex when we reflect on the disposition of lowyers to iscribe sti prece, dives to the cown, at the expense of territorial proprietors, and of amount costons my law

RATEKE

CHAP II notwithstanding this ennobling quality of the PART II land, which seems rather of an equivocal descrip-FELDAL tion, it became an established right of the crown to take, every twenty years, and on every change of the vassal, a fine known by the name of francfief, from plebeians in possession of land held by a noble tenure \* A gentleman in France or Germany could not exercise any trade without derogating, that is, losing the advantages of his rank A few exceptions were made, at least in the former country, in favour of some liberal arts, and of foreign commerce | But in nothing docs the feudal haughtiness of birth more show itself, than in the disgrace which attended unequal marriages No children could inherit a territory held immediately of the empire, unless both their parents belonged to the higher class of nobility ... 14 France, the offspring of a gentleman by a plebaian mother were reputed noble for the purposes of inheritance, and of exemption from tribute. But they could not be received into any order of chivalry, though capable of simple knighthood. nor were they considered as any better than a

The right, originally perhaps usurpation called francines, began under Philip the Lair. Ordon-nances des Rois, t. p. 324 De-nisart, Art. Franc-fief

<sup>+</sup> Honard, Dict du Droit Vormand Encyclopedie, Art No. Argou, luc 2

<sup>!</sup> Nobility, to a certain degree, was communicated through the mother alone, not only by the custom of Champagne, but in all parts

of France, that is, the pasie were gentilhommes du fait de leur corps, and could possess nefs; but, savs Beaumanoir, la gentillesse par laquelle on devient chevalrer, dont vemr de par le pere, c 45 There was a proverbal maxim in French law, rather emphatic than decent, to express the derivation of gentility from the father, and of freedom from the mother

bastard class, deeply tainted, with the alloy of the maternal extraction. Many instances occur where letters of nobility have been granted to re-instate them in their rank. Extraceral purposes it was necessary to prove four, eight, sixteen, or a greater number of quarters, that is, of coats borne by paternal and maternal ancestors, and the same practice still subsists in Germany.

It appears, therefore, that the original nobility of the continent were what we may call selfted, and did not derive their rank from any at h concessions of their respective sovereigns, have been necessary in subsequent ages. England, the baronies by tenure might belong to the same class, if the lands upon which they depended had not been granted by the crown. the kings of France, before the end of the teenth century, began to assume a privilege creating nobles by their own authority, and without regard to the tenure of land. Philip the Hardy, in 1271, was the first French king who granted letters of nobility; under the reigns of Philip the Fair and his children they gradually became frequent.† This effected a change in the character of nobility; and had obvious a moral. as other events of the same had a political influence, in diminishing the power and independence of the territorial aristocracy.

† Velly, t. vi. p. 482. Du France, t. i. p. 317.

Cange, and Carpentier, voce Nobilitare, &c. Boulainvilliers, Hist. de l'ancien Gouvernessent de

Beaumanoir, c. 45. Du Cange, Dissirt. 10. sur Joinville. Carpentier, voc. Nobilitatio.

PEUDAL SYNTEM

aleges originally connected with ancient lineage and extensive domains became common to the low-born creatures of a court, and lost consequently part of their title to respect. The lawvers, as I have observed above, pretended that nobility could not exist without a royal con-They acquired themselves, in return for their exaltation of prepogative, an official nobility by the exercise of magistracy. The institutions 'of chivalry again gave rise to a vast increase of gentlemen, knighthood, on whomsoever conferred by the sovereign, being a sufficient passport noble privileges. It was usual, perhaps, to grant previous letters of nobility to a phobeian for whom the honour of knighthood was designed

Different orders of pobility

In this noble or gentle class there were several All those, in France, who held lands immediately depending upon the crown, whatever titles they might bear, were comprised in the order of barons. These were, originally, the peers of the king's court, they possessed the higher territorial jurisdiction, and had the right of carrying their own banner into the field \*

sion of High Capit, were barons of Irane, namely, Bourbon, Cours and Beaujeu or Beauje loss It appears, however, by a register to the return of Philip Augustus, that fifty-nine were reckoned in that class, the feudataries of the Capetian fiels, Paris and Orleans, being confounded with the original vassals of the crown The Cinge, voc Haro

<sup>\*</sup> Resumment, c. 1 Du Cange, v Blate I Itablissement de St Louis, Li e 24 Lin e 36 The vasse of inferior lords were bowevercalled, improperly, Harons, both in I rance and I ngland Recueil des Historiens, t. xi. p. 100-Madox, Baronia Anglica, p 113 in perfect strictness, those only, whose immediate tenure of the crown was older than the acces-

To these corresponded the Valvassores major and Capitanes of the empire. By a subordinate class were the vassals of this high nobility, FEUDAL who, upon the continent, were usually termed SYSTEM Vavassors, an appellation not unknown, though rare, in England \* The Chatelains belonged to the order of Vavassors, as they held only arriere fiefs but having fortified houses, from which they derived their name, or distinction very important in those times, and possessing ampler rights of territorial justice, they rose above the level of then fellows in the scale of tenure! But after the personal nobility of chivalry became the object of pride, the Vavassors, who obtained knighthood, were commonly styled bachelors, those who had not re-

 Du Cingo y Vicios or, Velly, vi. p. 151. Molece Barones Anglica, p. 144 Plane 1, perhaps, hardly any word more ionsely used than Vivassor Briction sav-Sunt ctrim Vavasoires, magna digintatis viri. In Trance and Corners, they are sometimes named with minerees honour. It suis un chi alterne de cist part de ravasseurs et de basic gent sais a romance. This is to be explained by the poverty to which the subdivision of hefs reduced idle gentlemen

+ Du Cange, s Castallanus Coutumes de Poiton, tit in Loiseau, Traite des Seigneuries p 160 Whoever had a right to a castle had in haute justice, this heing so incident to the castle, that it was transferred along with it

There night however be a Se known haut justicer tellow the Chate lun, and a reliculors distinction wismade as to the rumber of posts he which their allows might be supported. A barons notes ment of execution stood on four posts, contitues action what the interior long who happered to present la haute potter, was tereed to hang his subjects on a twolegged achini Coutumes de Poiton Du Cange, v Lurca

Lauricre quotes from an oid manuscript the following short scale of ranks Due est la pre nuere dignite, puis comtes, puis viscomtes et puis baron, et puis charelain, et puis varasseur, et puis citaru, et puis villain. Ordon-nances des Rois, 1 i p. 277 erved that honour fell into the class of squires, or damoiseaux.

FEUDAL SYSTEM

( lergy

It will be needless to dwell upon the condition of the inferior clergy, whether secular or professed, as it bears little upon the general scheme of polity The prelates and abbots, however, it must be understood, were completely feudal nobles swore fealty for their lands to the king or other superior, received the homage of their vassals, impoved the same immunities, exercised the same diction, fuaintained the same authority, as the by ands among whom they dwelt. Military servee does not appear to have been reserved in the beneficiary grants made to cathedrals and monasteries. But, when other vassals of the crown were called upon to repay the bounty of their sovereign by personal attendance in war, the ecclesiastical tenants were supposed to fall within the scope of this feudal duty, which men, httle less uneducated and violent than their compatriots, were not reluctant to fulfil Charlemagne Cy-

empted or rather prohibited them from personal

Quad et alibem usu fait. Squire was not used as a title of distinction in I include tall the reign of Idward III and then but sparingly. Though by Henry VI's time it was grown more common, yet was grown more assumed it but the sons and heres of kinghts, and some military man, except officers in courts of justice, who, by patent or preserription, had obtained that addition Spelman's Posthumous Works, p. 214

Die sons of knights, and gentiemen met vet knighted, took the
appellation of some in the twelfth
century. Vansette, Hist de Lang
t in p. 513. That of Damoiseau
came into use in the thirtiench
isd t in p. 520. The latter was,
I think, more usual in I rance. Tu
Cange gives little information as
to the word squire. Scuttfer.)
'Apud Anglos,' he says, 'p miltima, set mobilitatis descriptio,
inter. I quitem et. Cenerosum

service by several capitularies The practice, & however, as every one who has some knowledge PART of history will be aware, prevailed in succeeding FELDAL Both in national and private warfare, we SYSTEM find very frequent mention of martial prelates t -But, contrary as this actual service might be to the civil, as well as ecclesiastical laws, the clergy who held inflitary fiefs were of course bound to fulfil the chief obligation of that tenure, and send their vissals into the field. We have many instances of their accompanying the army, though the mixing in the conflict, and even the parish wiests headed the militia of their villages ! The prelates however sometimes contrived to avoid this military service, and the payments introduced in commutation for it, by holding lands in frank-almoigne, a tenure which exempted them from every species of abligation, except that of saying masses for the benefit of the grantor's family But, notwithstanding the warlike disposition of some ecclesiastics, their more usual inability to protect the estates of their churches against rapacious neigh-

 Mable, lance 5 Balure, the p. 410 942 997 Any bishop. priest, deacon, or subdeacon be aring arms was to be degraded, and not even admitted to lay commu-

nion Id p 932

† One of the latest instances pro-bably of a fighting biship is Jean Montagu, archbishop of Sons, who was killed at Azincourt Monstrelet says, that he was ' non pas en estat pontifical, car au heu de mitre d'portoit une baernet, pour d'ilmatique porton un hau's recor, pour chasuble la piece d our, et au hou de

crosse, portou un hachs, fol 132 † Daniel, Hist de la Milice

Françoise, t. i. p. 88 § Du Cange, Fleemoissia La-bera Madox, Baronia Angl. p. Coke on Lattleton, and other English law books

CHAT II FEUDAL

a bours suggested a new species of feudal relation and tenure. The rich abbeys elected an advocate, whose business it was to defend their interests both in secular courts, and, if necessary, in the Pepin and Charlemagne are styled Advocates of the Roman church. This indeed was on a magnificent scale, but in ordinary practice, the advocate of a monastery was some neighbouring lord, who, in return for his protection, possessed many lucrative privileges, and, very frequently considerable estates by way of fief from his eccle siastical chents Some of these advocates are reproached with violating their obligation, and becoming the plunderers of those whom they had been retained to defend \*

The classes below the gentry may be divided into freemen and villens. Or the first were the inhabitants of chartered towns, the citizens and burghers, of whom more will be said presently. As to those who dwelt in the country, we can have no difficulty in recognizing, so far as England is concerned, the socagers, whose tenure was free, though not so noble as knight's service, and a numerous body of fenants for term of life, who formed that ancient basis of our strength, the English yeomanry. But the more freemen are not at first sight so distinguishable in other countries. In French records and law books of

<sup>•</sup> Du Cange, v. Advocatus a des Historiens, t. xi. preface, p. full and useful article. Recueil. 184.

feudal times, all besides the gentry are usually CHAP.II confounded under the names of villeins or hommes PART IL de pooste, gens potestatis. This proves the FILDAL slight estimation in which all persons of ignoble System. birth were considered. For undoubtedly there existed a great many proprietors of land and others, as free, though not as privileged as the nobility. In the south of France, and especially Provence, the number of freemen is remarked to have been greater than in the parts on the right bank of the Lone, where the fendal tenures were almost universal to I shall quote part of a passage in Beaumanoir, which points out this distinction of ranks pretty fully "It should be known, he says, ! " that there are three conditions of men in this world, the first, is that of gentlemen, and the second, is that of such as are natusally free, being born of a free mother. All who have a right to be called gentlemen are free, but all who are free are not gentlemen. Gentility comes by the father, and not by the mother, but

new place of resultance is they were subject to many tributes and of pressive claims on the part of their territorial soperiors, we can not be surprised that they are on founded at this distance, with men in activit scriitude

Homo potestats, non nobilis -Ita nun upantur, quod in petestite domini sunt -- Opponinter viris nobilibus, apud Butilerium Consuctedmann vocantur, Couste miers, prestationabus scalicet obnoxii et opens Du Cange, v. Po-testas As all these freemen were obliged, by the ancient laws of France, to live under the protection of some particular lord, and found great difficulty in chusing a

<sup>†</sup> Heeren, Lassar sur les Crosades, p. 122

<sup>1</sup> Coctumes de Beautours, c 4' p 2'0

CHAP II. freedom is derived from the mother only: and PART II. whoever is born of a tree mother, is himself free, PRUDAL and has free power to do any thing that is STEEM. lawful."

Berfs or vsl-

In every age and country, until times comparatively recent, personal servitude appears to have been the lot of a large, perhaps the greater por-We lose a good deal of our tion of mankind sympathy with the spirit of freedom in Greece and Rome, when the importunate recollection occurs to us, of the tasks which might be enjoined, and the punishments which might be inflicted, without controll either of law or opinion, by the keenest patriot of the Comitia, or the Council of Five A similar, though less powerful, feelme will often force itself on the mind, when we read the history of the middle ages mans, in their primitive settlements, were accustomed to the notion of slavery, incurred not only by captivity, but by crimes, by debt, and especially by loss in gaming. When they invaded the Roman empire, they found the same condition established in all its provinces. Hence, from the beginning of the ara now under review, servitude, under somewhat different modes, was extremely There is some difficulty in ascertaining its varieties and stages. In the Salic laws, and in the Capitularies, we read not only of Servi, but of Tributarii, Lidi, and Coloni, who were cultivators of the earth, and subject to residence upon their master's estate, though not destitute of property.

or civil rights.\* Those who appertained to the CHAP II demesne lands of the crown were called Fiscalini. PART II. The composition for the murder of one of these FRUDAL was much less than that for a freeman ! The SYSTEM. number of these servile cultivators was undoubtedly great, yet in those early times, I should conceive, much less than it afterwards became. Property was for the most part in small divisions, and a Frank who could hardly support his family upon a petty alodial patrimony was not likely to encumber hunselt with many servants accumulation of overgrown private wealth had a natural tendency to make slavery more frequent Where the small proprietors lost their lands by mere rapine, we may believe that their liberty was hardly less endangered ! Even where this was not the case, yet, as the labour either of artisans or of tree husbandmen was but sparingly in demand,

· Their passages are too jui merous for reference In a verearly charter in Martenne's Thesourus Amerikatorum, t. ( p. 20 lands are granded, cum hominibus radem per remembras quas calanario ordene vitere constitutantis Men of this class were called in Italy Aldiones A Lombard capttulary of Charlemagne sava Aldaones en lege vivant in Italia sub servitute dominorum suorum, qua Fiscalini, vol Ladi vivunt in Francik -- Muraton, Dissert 14

+ Originally it was but 45 solids Leges Salicz, c 43 but Charle-magne raised a to 100 Baluzu Capatalaria, p 402 There are several provisions in the laws of this great and wise monarch in

Artend Caused favour of liberty any one cuttur as his vulcin or stere, teologus sive servas, who had escaped beyond his territory. he was not to be goes up till strict inquiry had been made in the joing to which he was asserted table long, as to his condition, and that of his finds p 400. In it it eviden shewed a charter of sufranchisement, the proof of its lorgers was to be upon the ford. No man's liberty could be questioned in the Hundred court

! Montesqueu member the in crease of personal servicede in I rance to the continual revolts and commonous under the two first dynasties, 1 xxx c 11

CHAP.IL! they were often compelled to exchange their PART II. liberty for bread \* In seasons also of famine, and rounal they were not unfrequent, many freemen sold SYSTEM. themselves to slavery. A capitulary of Charles the Bald in 864 permits their redemption at an equitable price † Others became slaves, as more fortunate men became vassals, to a powerful lord for the sake of his protection Many were reduced into this state through mability to pay those pecumary compositions for offences, which were numerous and sometimes heavy in the barbarian codes of law; and many more by neglect of attendance on military expeditions of the king. the penalty of which was a fine called Heribann, with the alternative of perpetual servitude ! A \source of loss of liberty which may strike us as more extraordinary was superstition, men were infatuated enough to surrender themselves, an well as their properties, to churches and monasteries, in return for such benefits as they might reap by the prayers of their new masters,&

The characteristic distinction of a villein was his obligation to remain upon his lord's estate. He was not only precluded from selling the lands upon which he dwelt, but his person was bound, and the lord might reclaim him at any time, by

Du Cange, v Obnovatio

<sup>†</sup> Balum Capitularia The Greek traders purchased famished wretches on the coasts of Italy, whom they sold to the Saracens Murators, Anuals d Italia. A I) 785 Much more would persons

in this extremity sell themselves to neighbouring lords

f Du Cange, Henbarroum A full heribannum was 60 solid; but it was sometimes assessed in proportion to the wealth of the party. 6 Braumapour, c 45

suit in a court of justice, if he ventured to stray CHAP.II But, equally hable to this confinement, there were PART II two classes of villeins, whose condition was exceedingly different. In England at least from the reign of Henry II, one only, and that the inferior species, existed, incapable of property, and destitute of redress, except against the most outrageous The lord could seize whatever they acquired or inherited, or convey them, apart from the land, to a stranger. Their tenure bound them to what were called villem services, ignoble in their nature, and indeterminate in their degree, the felling of timber, the carrying of mannie, the repairing of roads for their lord, who seems to have possessed an equally unbounded right over their labour and its fruits. But by the eustoms of France and Germany, persons in this abject state seem to Thave been called serfs, and distinguished from villems, who were only bound to fixed payments and duties in respect of their lord, though, as it seems, without any legal redress, if injured by him f

bisTLM.

 Littleton I ii e 11 Nor. potest aliquis, says Glanvil in villenagne je sasas, life etatem strim propriis din mis sue quarire quia omnia catalla cujuslibet na tive intelliguntur esse in potestate domini sui la ca

† This is clearly expressed to a French law book of the thirteenth century, the Couseil of Pierre de-Fontaines, quoted by Dn Cange. voc Villanus. Et sache luen qui selon Dien tu n'as mic plemere poesté sur ton vilain. Dont se to prens du sien fors les droites redi-

viners, que te do t, t. le., cens contre Dieu, et sur le peril de t amente incretaries. It co galon dir toutes les choses qui Clams a, sent to Schmer, c'est voirs a garder. Cir sil e fount son seigneur propre al neces as de difference entre sertición les mais par notre usasion i cam machin vilum juga fors Dan, care oned est tes courbant et tes levaus, auf n'a sutre los vers tor fors la commany. This see as terender the distinction little more than then rctical

PARTII SYSTEM

CHAP II. "The third estate of men;" says Beaumanoir, in the passage above quoted, " is that of such as are PRUDAL not free; and these are not all of one condition, for some are so subject to their lord that he may take all they have, alive or dead, and imprison him whenever he pleases, being accountable to none but God, while others are treated more gently, from whom the lord can take nothing but customary payments, though at their death all they have escheats to him '\*

Under every denomination of scryitude, the children followed their mother's condition, except in England, where the father's state determined that of the children, on which account, bastards of female villens were born free, the law presuming the liberty of their father! The propor-

Villeins themselves could not

more, without the for Packetine, under penety of forbiting their goods, or at neist of a mulet. Do Cange, v. Loristici et aguini. This secure to be the true origin of the famous men beta mulierum, which has been ascribed to a very different custom Dullange, v Mercheta Mulu rum Dalremple's Annals of Scotland, vol 1 p 312 Archaologia, vol. xii p. 31

† Littleton, a 188 Bracton indeed holds, that the spurious issue of a neif, though by a free tather, should be a villein, quia sequitur conditionem matris, quasi vulgo conceptus 1 : c 6 But the laws of Henry I declare, that a son should follow his father's coudition, so that this peculiarity is very ancient in our law Leges

llen. L. c. 75 and 77

Beaumanoir e 45 Du Came. Manus, Servus, and several other articles Schmelt, Hist des Aliemands, t ii p 171 435. Hs a law of the Lombards, a free woman who married a slave might be killed by her relations, or sold, if they neglected to do so, the fise night claim her as its own Muratori, Dissert 14 In France also, she was liable to be treated as a slave Marculh l'ormula, l' n 29 Lven in the twelith century, it was the law of Handers, that whoever married a villem became one himself, after he had lived with her a twelvemonth Requeil des Hestomens, t viii p 350. And, by a capitulary of Pepin, if a man married a villern believing her to be free, he might repudiate her and marry another Baluze, p 161

tion of freemen, therefore, would have been mi- CHAP II serably diminished, if there had been no reflux of PIRT II the tide, which ran so strongly towards slavery FFI DAL But the usage of manumission made a sort of cir- system. culation between these two states of mankind, omen's This, as is well known, was an exceedingly com-sulfange mon practice with the Romans, and is mentioned, with certain ceremonies prescribed, in the Frankish and other early lays. The elergy, and especially several popes, enforced it as a duty upon lkymen, and inveighed against the scandal of keeping Christians in bondage \* But they were not, it is said, equally ready in performing their ewn parts, the villents upon church lands were among the list who were enuncipated to As society advanced in Europe the manumission of slaves grew more frequent ! By the indulgence of custom in some places, or perhaps by original convention, villems might possess property, and thus purchase then

<sup>\*</sup> Enfranchisements by testament are very common. Thus the the will of Schoffed, count of Barcolonic, in 1666, we find the following piece of corrupt Latin, do ipsos servie meios et incillas, illi qui traditi facrunt la mus illos liberos proj ter reme hum annier mer, et aln qui fuerunt de paren torum meorum remaneant ad fratres mens Marca Hispatitus, P. HR7

<sup>+</sup> Schmidt, Hist des All tip See however a charter of 361 manumission from the chapter of Orleans, in 1224, to all their slaves, under certain conditions of Martenne, Thesaurus 3+ F3 1C1

Anti-dot to posts to address! in mumissions' were corresponding common Dictionge v Morumeson a long article

No one could interacluse his ville in without the saje rear hard s consent, for this was to dinamely the value of this land apetics to her Beaumanoir ( 15 Itablisse-neus de St Louis ( , a It was property therefore her the villein to obtain the so crain si inhima tion otherwise he only changed masters and escheated, as it were, to the superior, for the lond who had granted the charter of franchisi was estopped from claiming him again

PART IL FEI DAT.

CHAP II. own redemption Even where they had no legal title to property, it was accounted inhuman to divest them of their little possession, (the peculium SYSTEM. of Roman law, nor was their poverty, perhaps, less tolerable upon the whole, than that of the modern peasantry in most countries of Europe It was only in respect of his lord, it must be remembered, that the villem, at least in England, was without rights,\* he might inherit, purchase, sue in the courts of law though, as defendant in a real action, or suit wherein land was claimed. he might shelter himself under the plea of villenage. The peasants of this condition were sometimes made use of in war, and rewarded with enfranchisement, especially in Italy, where the cities and petty states had often occusion to defend theniselves with their own population, and in peace the industry of free labourers must have been found more productive and better directed. Hence the eleventh and tweltth centimies saw the number of slaves in Italy begin to decrease, early in the fifteenth, a writer quoted by Muratori

the their testimony except against ther lord, was ever refused in lengland their state of servande not being absolute, like that of tugroes in the West Indies, but particular and relative, as that of an apprentice or hired servant. This subject, however, is not devoid of obscurity, and I may probably return to it in another place

<sup>\*</sup> Inflorers 187 Perhaps this is not applied the total ar countries. Villette were meapable of being received as with a says against free men Recueil des Historiens, t niv pretace, je to There are some charters of kings of I rance admitting the seris of particular monasteries to give evidence, or to engage in the judicial combat, against freemen Ordonnances des Ross, t 1 p 3 But I do not know

speaks of them as no longer existing.\* The CHAP II greater part of the peasants in some countries of PART II. Germany had acquired their liberty before the FILDAL end of the thirteenth century, in other parts, as SYSTEM well as in all the northern and eastern regions of Europe, they remained in a sort of villenage till the present age. Some very few instances of predial servitude have been discovered in England, so late as the time of Elizabeth, I and perhaps they might be traced still lower. Louis Hilling in France, after innumerable particular instances of manumission had taken place, by a general edict in 1315, reciting that his kingdom is denominated the kingdom of the Franks, that he would have the fact to correspond with the name, emancipates all persons in the royal domains upon paying a just composition, as an example for other lords possessing villens to follow t. Philip the Long renewed the same edict three years afterwards. a proof that it had not been carried into execution & Indeed there are letters of the former prince, wherein, considering that many of his subjects are not apprized of the extent of the benefit conferred upon them, he directs his officers to tax them as high as their fortunes can well bear.e.

letes in the resulcionia as through out Languedor in taning only no annual rent for the r lands, which thus became courses or emphyten ser. It loss not appear by the charter, that he sold it is entranchise ment, though there can be little doubt about it. It permitted his

<sup>\*</sup> Dissert 14

<sup>†</sup> Barrington's Observations on the ancient Statutes, p. 274 † Ordonnances des Rois t. i

p 583

e ld p 653 || Veliy, t vin p 78 Philip the Lair had emancipated the vil-

CHAP II.

It is deserving of notice that a distinction PART II existed from very early times in the nature of FEUDAL lands, collateral, as it were, to that of persons Thus we find mansi ingenui and mansi serviles in the oldest charters, corresponding to the bocland and folkland of the Anglo-Saxons, the liberum tenementum and villenagium, or freehold and copyhold of our later law. In France, all lands held in votuce

vassals follow the exemple vasset first de Languel e, i is Appendix, p 3 and 1.

It is not generally known, I think, that probid we aid do was not abolished in all parts of I rance till the revolution. In some prices, sava Pasquier, the prasunts in taillables a volonte, that is, their contribution is not permanent, but assessed by the lord with the elsace of prud' hommes, resseants sur his hear, according to the price sant's althir. Others pay a fixe I sum. Some in called with de poursuite, who cannot le e their habitations, but mix be followed by the lord into any part of France for the taille upon their goods This was the case in part of Chainpague, and the Nivernois Nor could these seris, or gens de mainmorte, as they were sometimes called, be manufacted without letters patent of the king, purchased by a line. Rechard had a la I rance, l av c 5 Du Bos informs us, that in 1651, the literal tal prayed the king to cause all serfs | hommer de poole) to be enfranchised on paying a compession, but this was not complied with, and they existed in many parts when he wrote Histoire Critique, 1 iii p 298 Argou, in his Institutions du Droit I rançois, confirms this and refers to the customaries of Airer-

note and View 1 1 / 1 And M de lin puzas ta his protuce to the tive in volume of the collection of Ordonnances, p 22 says that throughout droost the whole jugodiction of the parl ament of Be 3mgon the presents were attached to the office learning equilibrium leaving it without the lord's conscut red that to some places he even adhered the records an exclusion of the kindred. I recorded to have and an some part of Voltages to tre pondo accomo da de of las at to no, 509 that educates oppressor which is do shining side of less not il character, in behalf of some of these we taked Laves of Fram in Counte

At out the middle of the fifteenth custory, some Catalograff seeds who had escoped into Irance being claimed by their birds, the parliament of Toulouse declared, that every man who intend the kingdom er crunt France, should become free. The liberty of our kingdom is such, says Mezerzy, that its air communicates freedom to these who breathe it, and our kings are too august to seign over any but freemen Villaret, t. xv p 348 How much pretence Mezeray had for such a flourish, may be decided by the former part of this note

appear to be considered as villein tenements, and CHAP II are so termed in Latin, though many of them PARTH rather answer to our socage freeholds But, HIDIL although originally this servile quality of lands was founded on the state of their occupiers, yet there was this particularity, that lands never changed then character along with that of the possessor, so that a nobleman might, and often did, hold estates in jointe, as well as a jointer acquire a fiel. Thus in England the terre tenants in villenage, who occur in our old bookstwere not villems, but freemen holding lands which had been from time immemorial of a villem quality

At the final separation of the French from the Compara German side of Charlemagne's empire by the France and treaty of Verdon in \$43, there was perhaps hardly barneny. any difference in the constitution of the two king-It any might be conjectured to have existed, it would be a greater independence, and tuller rights of election in the nobility and people But in the lapse of another cenof Germany tury, France had lost all her political unity, and her kings all their authority, while the Germanic empire was entirely unbroken, under an effectual, though not absolute, controll of its sovereign No comparison can be made between the power of Charles the Simple and Conrad the First, though the former had the shadow of an hereditary right, and the latter was chosen from among his equals. A long succession of teeble princes or usurpers, and destructive incursions of the Normans, reduced France almost to a dissolution of

PEUDAL.

CHAP. II society, while Germany, under Conrad, Henry, and the Othos, found their arms not less-prompt and successful against revolted vassals, than external enemies The high dignities were less completely hereditary than they had become in France, they were granted, indeed, pretty regularly, but they were solicited as well as granted while the chief vassals of the French crown assumed them as patrinonial sovergignties, to which a royal investiture gave more of ornament than sanction

> In the eleventh century, these imperial prerogatives began to lose part of their lustic. struggles of the princes and clergy against Hemy and his son, the revival of more effective rights of election on the extinction of the house of Franconia, the exhausting contests of the Swabian emperors in Italy, the intrinsic weakness produced by, a law of the empire, according to which the reigning sovercign could not retain an imperial fiet more than a year in his hands, gradually prepared that independence of the German aristocracy, which reached its height about the middle of the thirteenth century this period the French crown had been insensibly gaining strength, and as one monarch degenerated into the mere head of a confederacy, the other acquired unlimited power over a solid kingdom.

> It would be tedious, and not very influence; to follow the details of German public har during the middle ages nor are the more important parts of it easily separable from civil history. In this

relation, they will find a place in a subsequent CHAP II chapter of the present work. France demands a PART II. more minute attention, and in tracing the cha- FEUDAL racter of the feudal system in that country, we SISTEM shall find ourselves developing the progress of a very different polity

To understand in what degree the peers and proposed barons of France during the prevalence of fendal main principles, were independent of the crown, we must look at their leading privileges. These may 1 The right of coming money, be reckoned 2 That of waging private war 3 The exemption from all public tributes, except the feudal aids; 4 The freedom from legislative controll 5. The exclusive exercise of original judicature in their dominions. Privileges so enormous and so contrary to all principles of sovereignty might lead us, in strictness, to account France rather a collection of states, partially allied to each other, than a single monarchy

1. Silver and gold were not very scarce in the Compagn first ages of the French monarchy, but they passed more by weight than by tale. A lax and ignorant government, which had not learned the lucrative mysteries of a royal mint, was not particularly solicitous to give its subjects the security of a known stamp in their exchanges. In some

\*. The practice of keeping has gold and silver uncoined prevailed among private persons, as well as of the transury, down to the time coined in Irano and that only of the partial transition of the

ments or fines stipulated by weight of gold or after. In home then fore thinks, that lotte money was PART II 1ACL 144 SYSTEM

CHAP II cities of France, money appears to have been coined by private authority before the time of Charlemagne, at least one of his capitulaties forhids the circulation of any that had not been stamped in the royal mint. His successors indulged some of their vassals with the privilege of coming money for the use of their own territories, but not without the royal stamp. About the beginning of the tenth century, however, the lords, among their other assumptions of independence, issued money with no marks but then own \* At the accession of Hugh Capet, as many as a hundred and fifty are said to have exercised this power. Even under St Louis, it was possessed by about eighty, who, excluding as far as possible, the royal coin from circulation, emiched themselves at their subjects expense by high duties seigmorages, which they imposed upon every new comage, as well as by debasing its standard.) In 1185, Philip Augustus requests the abbot of Corvey, who had desisted from using his own mint, to let the royal money of Paris circulate through his territories, promising that when it should please the abbot to com money afresh for himself, the king would not oppose its circulation.

> extant of the first race of kings, yet few or none are preserved of the second or third, before the reign of Philip the Fair Du Cange, v. Moneta

mens, txi pref p 180 Du Cange, V. Moneta

\*\* Le Blanc, Traite des Mon-

hòyes, p. 91 1 Du Cange, voc Moneta Velly, Hist de France, t n p 93 Villaret 1 xiv p 200

<sup>\*</sup> Vaissette, Hist de Languedoe, the party Rec des Histo-

Several regulations were made by Louis IX to chap it limit, as far as lay in his power, the exercise of PARTII this baronial privilege, and, in particular, by FITOM enacting that the royal money should circulate in SISTEM the domains of those barons who had mints, concurrently with their own, and exclusively within the territories of those who did not enjoy that right. Philip the Fair established royal others of aspection in every private mint. It was asserted in his reign, as a general truth, that no subject might com silver money . In fact, the adulteration practised in those baronial mints had reduced their pretended silver to a sort of black metal, as it was called, moneta mgraeinto which little entered but copper. Silver, however, and even gold were comed by the dukes of Britany so long as that fief continued to exist. No subjects ever enjoyed the right of coming silver in England without the royal stamp and superintendence t a remarkable proof of the restraint in which the feudal aristocracy was always held in this country

<sup>\*</sup> Dir Carge, a Moneta The right of del asing the count it also claimed by this prince as a choice flower of his crown. From those seriest amenuser la monnoc est privilege especial an root de son drift royal, is que alto superitient, et non a autre, et encer en un soul eas, c'est a cavoir en incessite, et lors ne vient privilegament, in air processes en profit et en la defence de comment. This was in a processemment of by the king's processemmenced by the king's procureur general, against the comite de

Ne ers, for detre ug fits conce Le Blane, Triute des Montioves p u2. In many places the end took a wan from his term becert three years, under the fatime of monte, grein or the agoin in Lee, of de broug his monte. This was fin obabolished in 1130. Du Cange, y Monetagia n

if I do not extend this to the tact, for in the anisots of Stephens regul, both histors and barons conted in our for themselves. Hosedon, p. 4 to

CHAP II PARI II FI DAL SYSTEM Right of private a r

II. The passion of revenge, always among the most ungovernable in human nature, acts with such violence upon barbarians, that it is utterly beyond the controll of their imperfect arrangements of polity. It seems to them no part of the social compact, to sacrifice the privilege which nature has placed in the aim of valour ally, however, these hercer feelings are blanted and another passion, hardly less powerful than resentingnt, is brought to play in a contrary direc-The earlier object accordingly of purisprudence is to establish a fixed atonement for innines. as much for the preservation of tranquillity as the prevention of crime. Such were the weregilds of the barbaric codes, which, for a different purpose, I have already mentioned \* But whether it were that the kindred did not always accept, or the erminal offer, the legal composition, or that other causes of quarrel occurred, private fends, faidawere perpetually breaking out, and many of Charlemagne's capitularies are directed against After his time, all hope of restraining so inveterate a practice was at an end, and every man who owned a eastle to shelter him in ease of defeat, and a sufficient number of dependents to take the field, was at liberty to retaliate upon his neighbours whenever he thought himself injured. It must be kept in mind, that there was, frequently,

putants are represented wrangling before the judge, for the weregild or pince of blood, succe ware; arises on judges.

The antiquity of compositions for murder is illustrated by Head 2 455t where, in the description of the shield of Arbilles, two dis-

either no jurisdiction to which he could appeal, char it or no power to inforce its awards—so that we may take it on sider the Maher nobility of France as in a state of part of nature with respect to each other, and entitled sistem to avail themselves of all legitimate grounds of hostility. The right of waging private war was moderated by Louis TV, checked by Plahip IV, suppressed by Charles VI, but a few yestiges of its practice may be found still later.

III In the modern condition of governments, a characteristic are chief engine of the well-compacted by an inachinery which regulates the system. The pay-house of machiners, the prohibitions, the hoeners, the watchfulbress of collection, the exasions of freud, the penalties and fortestures, that attend a uscal code of laws, present continually to the mind of the most remote and humble individual, the notion of a supreme, vigilant, and correive authority. But the early Laropean kingdoms knew neither the necessities, nor the ingenuity of modern finance. From their demospic lands, the kings of France

cal magnetic of the leavest better the source. In the mark better to Plangh A good mad Richard Cook de lea a 1 of the latter retried to into the market of magnetic design of the latter set of interprety should make the other does defined the other design of the other does not be the market the other does of P to make the other does not be the market of the other does not be the other does not

The abject of particle war fare is treated so exact, and per spin unions by Robert et al. of per pin unions by Robert et al. of the strong of the strong of the second otherwise demand. So this of Charles Vetal it note 21. Lew leading passagres in the one mental of the middle ages, restated this subject, have excepted the penetral ting eye of that instorant and the area arranged so well as to form a comparison of the world to a second of the compass. The way world to see the compass.

PARI IL 11 DAI 8351 FW

CHAP II and Lombardy supplied the common expenses of a barbarous court Even Charlemagne regulated the occonomy of his farms with the minuteness of a steward, and a large proportion of his capitularies are directed to this object. Their actual revenue was chiefly derived from free gitts made. according to an ancient German custom, at the annual assemblies\* of the nation, from americements paid by alodial proprietors for default of military service, and from the fields, or fines account to the judge out of compositions for murder ! These amounted to one third of the whole weregild, one third of this was paid over by the count to the royal exchequer. After the feudal government prevailed in France, and nerther the heribannum nor the weregild continued in use, there seems to have been hardly any source of regular revenue besides the domainal estates of the crown junless we may reckon as such, What during a journey, the king had a prescriptive right to be supplied with necessaries by the towns and abbies through which he passed, commuted sometimes into petty regular payments, called droits de giste et de chevauché ! Hugh Capetwas nearly indigent as king of France, though, as

of the royal revenue in the twelfih century. But far the most luminous view of that subject, for the three next ages in displixed by M de l'istoret, in his prefaces to the lifteenth and sixteenth volumes of the Ordonnauces des Ross

<sup>\*</sup> Du Canke Dissertation de t tro me sur lique de

<sup>+</sup> Mably, bre 2 note 4 Da Cange, voc. Heribannium, Fre-

<sup>\*</sup> Velly to p 324 Villaret, tan p 174-195 Recueil des Historieus, t. xiv. preface, p. 17. The last is a perspicuous account

count of Pairs and Orleans, he might take the curp in feudal aids and reliefs of his vassals. Several other pair in small emoluments of himself and his successors. He pair in whatever they may since have been considered, were in that age rather seigniorial than royal. The rights of toll, of customs of ahenage caubaine, generally even the regule, or empoyment of the temporalities of vacant episcopal sees and other collesiastical benchees, were possessed within their own domains by the great fendataries of the crown. They, I apprehend, contributed nothing to their sovereign and even those ands which the fendal customs enjoined.

The history of the royal revenue in France is, the however, too important to be slightly passed over the As the necessities of government increased, partly through the love of inegnificence and pageantry, introduced by the crusades and the temper of chivility, partly in consequence of employing hired troops instead of the feudal militia, it became impossible to defray its expenses by the ordinary means. Several devices, therefore, were tried, in order to replenish the exchequer. One of these was by extorting money from the Jews. It is almost incredible to what a length this was carried.

<sup>\*</sup> The duke of Burgutaly and count of Champaine did not prosested the rescale. But it was the twee the fixed by all the other peers, by the dukes of Normandy, Contenus and Britany, the counts of Toulouse, Potton, and Handers. Machine in the terminal time of the twee tweethers.

<sup>).</sup> Ordensemers (  $\sim R/\sigma \approx 1$  p (21

<sup>\*</sup> I have ever not with my ustance of a root of long and to the total description of all long the vastals of the freedom on the negative proportion of the possible that I may be deceased.

PART II FEUDAL SYSTEM

CHAP II Usury, forbidden by law and superstition to Christians, was confined to this industrious and covetous people \* It is now no secret, that all regulations interfering with the interest of money render its terms more rigorous and burthensome The children of Israel grew rich in despite or insult and oppression, and retaliated upon their It an historian of Philip Christian debtors Augustus may be believed, they possessed almost one half of Paris Unquestionably they must have had support both at the court and in the halls of justice. The policy of the kings of France was to employ them as a spunge to suck their subjects money, which they might afterwards express with less odnim than direct taxation would meni-Philip Augustus released all Christians in his dominions from their debts to the Jews, reserving a fifth part to hunself to He afterwards expelled the whole nation from France. But they appear to have returned again, whether by stealth, or, as is more probable, by purchasing permission St. Louis twice banished, and twice recalled the A series of alternate persecution and tolerance was borne by this extraordinary people with an invincible perseverance, and a talent of accumulating riches which kept pace with their plunderers, till new schemes of finance supplying the turn, they were finally expelled under Charles

<sup>.</sup> The Jews were elebrated for usury as early as the sixth century Grig Turon Liv c 12, and I vii ( 23

<sup>\* †</sup> Rigord, in Du Chesne, Hist. Franc Script tim p at

VI and never afterwards obtained any legal esta- chap in bhshment in France \* PART ii

A much more extensive plan of rapine was HUDAL carried on by lowering the standard of coin SYSTEM convalent to twenty onnces of silverdivided into twenty pieces of come sons, each equal consequently to nearly three shillings and to ir pence of our new English money ! revolution, the money of France had been deprecated in the proportion of seventy-three to one, and the sol was about equal to an English half-This was the effect of a long continuance of trandulent and arbitrary government ibuse began under Philip 1-m 1103, who alloyed his silver com with a third of copper. So good an example was not lost upon subsequent princes, till under St. Louis, the mark-weight of silver, or eight ounces, was equivalent to fifty sons of the debased com. Nevertheless these changes seem hitherto to have produced no discontent, whether it were that a people, neither commercial nor enlightened, did not readily perceive then tendency, or, as has been ingeniously conjectured, that these successive diminutions of the standard were nearly counterbalanced by an augmentation in

Villaret, t ix p 421. Metrontained and I suppose stricontains, a great many lesse but Metawas not part of the ancient kingdom.

<sup>+</sup> Best by this observant, there was a popular of worth both

pence. To Brew think the whole of the Sale less and experiences mean the later process more the function of pence, vas worth pence one or democrated modern from beom.

PART II SYSTEM

CHAP II the value of silver, occasioned by the drain of money during the crusades, with which they were FEUDAL about contemporaneous \* But the rapacity of Philip the Fair kept no measures with the public and the mark in his reign had become equal to eight livies or a hundred and sixty sous of money Dissatisfaction and even tumults arose in consequence, and he was compelled to restore the com to its standard under St. Louis 1. His successors practised the same aits of enriching their under Philip of Valois, the mark was agam worth eight livres. But the film had now dropt from the eyes of the people, and these adulterations of money rendered more vexatious by continued re-comages of the current pieces, upon which a fee was extorted by the moneyers. showed in their true light as mingled traud and robbery !

> Villaret, t xis p (1) Inc price of commodities, he asserts, did not rese till the time of St Louis. It this be said on good authority, it is a river at the fact. but in England we know very hule of prices before that precod, and I doubt it their history has been better traced in France

† It scurious, and not perlaps unimportant, to but the course pursued in adjusting payments upon the restoration of good comwhich happened pretty frequently in the fourteenth century, when the States-General, or popular clamour, forced the court to retract its fraudulent policy. Le-Blane has published several order nances nearly to the same offert One of Charles VI explains the

meeted adopted rather more fully than the rest. All alches meurical since the depreciated coin began to circulate were to be paid in that com, or according to its value Those incurred previously to its commencement were to be paid according to the value of the money circulating at the time of the contract. Item, que tous he vrais emprunts faits en demers sans fraude, se payeront en telle montoys comme I'm aura emprunte, si elle a plein cours au tempe du pavement, et smon, ils payeront en mountile coursable lors selon la valeur et le prix du marc dor ou d'argent p 32 : Continuator (sul de Nangis

in Spirilegio, Citi. For the successive charges in the value of

These resources of government, however, by no CHAP II means superseded the necessity of more direct PARLIE taxation. The kings of France exacted money HIDM from the roturiers, and particularly the inhabitants SISTEM. of towns, within their domains. In this they only have the acted as proprietors, or suzerains, and the barons took the same course in their own lands. Philip Augustus first ventured upon a stretch of prerogative, which, in the words of his biographer, disturbed all France - He deprived by force, says Rigord, both his own vassals, who had been accustomed to boast of their immunities, and their foudal tenants, of a third part of their goods \* Such arbitrary taxation of the nobility, who deemed that their military service discharged them from all perumary burthers. France was far too aristocratical a country to hear. It seems not to have been repeated, and his successors generally persucd more legitimate courses. Upon obtaining any contribution, it was usual to grant letters patent, declaring that it had been freely given. and should not be turned into precedent in time to Several of these letters patent of Philip the Fair are extant, and published in the general collection of ordinances f. But in the reign of this

I reach come, the reader may conoft Le blan & treatise, or the Ordonnances des Rois, er Le noix and a summary view of them in Du Cange v Monete The bad consequence of these moosations ire well treated by M de l'astoret, in his challerate profite to the sixteenth volume of the Ordon-

names des Rois p. 40

Du Closne, CC p 10 t lasons a por et r an ssome que la derniere souver une que ils nous out titte le 1 co s. vassaux et nobles d'Auto giar de pure grace sensere que de y inscent tenus que de gras et sectore et a ur octrosons que les retressals ventions que ils rous out faites ne har twent not prepolice, ex

PART II
PART II
PEUDAL
SISTEM

monarch, a great innovation took place in, the French constitution, which, though it principally affected the method of levying money, may seem to fall more naturally under the next head of consideration

Want of so preme leg's lative authority IV. There is no part of the French feudal policy so remarkable as the entire absence of all supreme legislation. We find it difficult to conceive the existence of a political society, nonmally one kingdom, and under one head, in which, for more than three hundred years, there was wanting the most essential attribute of government. It will be requisite, however, to take this up a little higher, and inquire what was the original legislature of the French monarchy.

Original legislative assembles of France Arbitrary rule, at least in theory, was uncongenial to the character of the northern nations. Neither the power of making laws, nor that of applying them to the circumstances of particular cases, were left at the discretion of the sovereign. The Lombard kings held assemblies every year at Pavia, where the chief officers of the crown and proprietors of lands deliberated upon all legislative measures, in the presence and, nominally at least with the consent of the multitude. Frequent mention is made of similar public meetings in

choses equally the national transnational series of death of national series of the series of the domained de 1.04 apad. Middle 1 is e. J. note 5. Secother authorities in the same place.

\* Lustprand, king of the Lom-

bards, says that his laws sibi placuise una com omnitus judicibus de Austria et Veustria partibus, et di Tuscia hoibus, cum reliquis sidelibus meia Langolardia, si omin populo assistente Muratasi. Dussert 22 France by the historians of the Meroyingian kings, CHAP II and still more unequivocally by their statutes . PART IL These assemblies have been called parliaments of FFLDAL the Champ de Mars, having originally been held SISTEM in the month of March We know very little of their constituent members, but it is probable, that every alodial proprietor had a legal right to assist in their deliberations, and at least equally so, that the efficient power was nearly confined to the leading aristociaev. Such indeed is the impression conveyed by a remarkable passage of Holemar, an libishop of Rheims, during the time of Charles the Bald, who has preserved, on the authority of a writer contemporary with Charlemagia, a sketch of the Frankish government under that great prince. Two assemblies placific were annually In the first, all regulations of importance Asymbles r dd to the public weal for the ensuing year were their nie ted and to this, he says, the whole body of magin energy and larty repaired the greater to deliberate upon what was fitting to be done, and the less, to confirm by their voluntary assent not through deference to power, or sometimes even to discuss, the resolutions of their superiors 1. In the

" Middy In a 1 note 1 linesolven Codex Legum Antico um p sot to Dictation of per--ue, quoted by Middle of the 6.) from the preamble of the rewised Salic law under Chitare II haspheit Temporitus Clotum The true cam principibus surs, id Supporting cts 4 ducibus et Supporting et chare populo conditata est A nun reable insome of the use of self a steel of 5, which was post too and a good s noticed by the Court vider the word Vol. Another product it occurs to the versal at quote trop of Makey boar the edit of r Programma de la com-traction de la companya de la com-

#Connection to a propore tales contrat non says a sed been anno placete dun nenember. Unun

PART II SYSPEM.

CHAP.II second annual assembly, the chief men and officers of state were alone admitted to consult upon the FEUDAL most urgent affairs of government. They debated, in each of these, upon cortain capitularies, er proposals, laid before them by the king The clergy and nobles met in separate chambers, though sometimes uffited for the purposes of the liberation. In these assemblies, principally, I presume, in the more numerous of the two annually summoned, that extensive body of laws, the capitularies of Charlemagne, were enacted though it would contradict the tustimony just adduced from Hincmar, to suppose that the lesser freeholders took a very effective share in public counsels, yet then presence, and the usage of requiring their assent, indicate the liberal principles upon which the system of Charlemagne was It is continually expressed in his capitularies, and those of his family, that they were enacted by general consent.\* In one of Louis the Debonair, we even trace the first germ of repre-

> quando ordinabatur status totius regus ad anni vertentis spatium, quod ordinatum nullus eventus rerum, niei summa necessitus, que similiter toti regno un umbebat, mutabat. In quo placito generalitas universorum majorum, tam clericorum quam laicorum, conveniebat, withcres, propter coust hum ordinandum, minores, propter iden consilium sus ipiendum, et interdum pariter tractandum, et non ex potestate, sed ex proprio mentis intellectu vel sententis, confirmandum. Huncmar, Fpist 5. de ordine palatu I have not

translated the word majorum in the above quotation, not apprehending its sense

\* Capitula que praterito anno legi Salice cum omnum consensu addenda essa censumus (A I) 801) It populus interrogetur de capitulis que in lege noviter addita sunt, et postquam omnes gonsenserint, subscriptiones et manufaciant , 1 D 813 ) (apitulara patris nostri que Franci pro lege tenenda judicaverant. (A. D. 837.) I have boppowed these quolations from Mably, who remarks that the

sentative legislation. Every count is directed to CHAP. II bring with him to the general assembly twelve PARTH. Scabini, if there should be so many in his county. Fit DAL or, if not, should fill up the number out of the MATEN mist respectable persons resident. These Scaling were judicial assessors of the count, chosen by the alodial proprietors.\*

The circumstances however of the French emoure for several subsequent ages were exceedingly adverse to such enlarged schemes of polity. The nobles contemned the imbecile descendants of Charlemagner and the people, or lesser freeholders, if they escaped absolute villenage, lost then immediate relation to the supreme government in the subordination to their lord established by the Yet we may trace the shadow of anleudal law cient popular rights in one constitutional function of highermorrance, the choice of a sovereign. Historians who relate the election of an emperor or king of Franke seldom omit to specify the consent of the multitude, as well as of the temporal and spiritual aristocraes, and even in solemn instruments that record such transactions, we find a sort of importance attached to the popular suffrage † It is surely less probable that a recog-

word popular is never used in the carber laws See too Du Cange, ve Lex, Mallom, Pactum

tus suppleat numerom duodena-rum Mably, I n 2

<sup>&</sup>quot; Valt dominus Imperator at in tale placetum quale ille nunc jusserst, venus unusquisque comes, et adducat secum duodecim scabinos. si tanti fuermi, an autem, de mehoribus hominibus ilhus comets

<sup>.</sup> It has been intimated in another place, p 111 that the French monarchy seems not to have been strictly hireditary under the later kings of the Merovingson rare at least expressions indicature a formal election are fre-

STOTEM

CHAP II nation of the elective right should have been in-PARTI. troduced as a mere ceremony, than that the form FEUDAL should have survived after length of time and

> quenty employed by hutorians Pepis of course came in by the choice of the nation At his death he requested the consent of the counts and prelates to the succession of his sons, (Balush Capitularra, p 187.) though they had bound themselves by oath at his consecration, never to elect a king out of another family. Ut nunquam de alterna jumbis regem eligere præsumant. (Formula Consecrationis Pippini in Requeil des Historiens, t v ; In the instrument of partition by Charlemagne among his descendants, he provides for their immediate succession in absolute terms, without any mention of consent the event of the decease of one of his sons leaving a child, whom the people shall chuse, the other princes were to permit him to reign Baluze, p 440 This is repeated more perspicuously in the partition made by Louis I. in 817 Si quis corum decedens legitimes filios reliquerit, non inter ens potestas ipsa dividatur, sed potius populus pariter conveniens, unum ex ms, quem dominus voluerit, eligat, et hunc senior frater in loco fratra et filu recipiat. Baluze, p. 577 Proofs of popular consent given to the sucression of kings during the two next conturies are frequent, but of less importance on account of the irregular condition of government Even condition of government Even after Hugh Capet's accession, beredstary right was far from being catablished. The first six kings of this dynasty procured the co-epte-

Aid was not done withou the edisent of the chief vassals (Recuest des Hist t xi p. 1.) In the reign of Robert it was a great question whether the elder son should be thus degenated as heir in preference to his younger brother whom the queen, Constance, was anxious to place upon the throne Odolric, bishop of Orleans, writes to Fulbert, bisl of Chartres, is terms which lead one to think, that peither hered. tary succession, nor primage niture was settled on any fixed principle (Id txp 904) And a writer in the same collection, about the ves-1000, expresses himself in the in lowing manner Melius est clitioni principis non subscribere quam post subscriptionem electuri contendente i in altero enim libir tatis autor laudatur, in altero scri vilis 'cont macia probro datur Tres namque generales electione novimus , quarum una i st regis vel amperatoria, altera pontificis, altera abbatis Et primam quideau facit concordia totius regni, secundani vero unanimitas civium et éleri tertiam sanius consilium comobiticm congregations (Id p 626 : At the coronation of Philip L in 1059, the nobility and people (mi lites et popula tam unajores quam minores) testified their consent by crying, Laudamus, volumes, fiat t zi p 33. I suppose, if search were made, that similar testimoness might be found still later, and perhaps hereditary succession cannot be considered as a fundamental law till the reign of Philip August

revolutions of government had almost obliterated CHAPAH. the recollection of its meaning.

It must however be impossible to ascertain even FFUDAL the theoretical privileges of the subjects of Char- SYSTEM. lemagne, much more to decide how far they were. substantial or illusory. We can only assert in general, that there continued to be some mixture of democracy in the French constitution during the reign of Charlemagne and his first successors. The primæval German institutions were not eradicated. In the Capitularies, the consent of the people is frequently expressed. Fifty years after Charlemagne, his grandson Charles the Bald succinctly expresses the theory of legislative power. A law, he says, is made by the people's consent and the king's enactment.\* It would hardly be warranted by analogy or precedent, to interpret the word people to very narrowly as to exclude any alodial proprietors, among whom, however unequal in opulence, no legal inequality of rank is supposed to have yet arisen.

But by whatever authority laws were enacted, whoever were the constituent members of national assemblies, they ceased to be held in about seventy years from the death of Charlemagne The latest capitularies are of Carloman in 882.† From this

under the name of that prince, the first, a declaration of his queen's jointure; the second, an arbitration of disputes in the church of Tongres; neither surely deserving the appellation of a law

Lex consumes populi fit, constatutaone regas. Mecueal des illust L VII. p. 656.

t It is generally mid, that the caputalaries cease with Charles the Simple, who died in 921 But Rabina has published only two

CHAP, IT time there ensues a long blank in the history of FEUDAL

PART II. French legislation. The kingdom was as a great fief, or rather as a bundle of fiefs, and the king little more than one of a number of feudal nobles. differing rather in dignity than in power than some of the rest The royal+council was composed only of barons, or tenants in chief, prelates, and household officers. These now probably dediberated in private, as we hear no more of the consenting multitude. Political functions were not in that age so clearly separated, as we are Royalcoun- taught to fancy they should be; this council advised the king in matters of government, confirmed and consented to his grants, and judged in all civil and criminal cases, where any peers of their court were concerned.\* The great vassals of the crown acted for themselves in their own territories, with the assistance of coincils similar to that of the king. Such indeed was the symmetry of feudal customs, that the manerial court of every

vavassor represented in miniature that of his

cul of the third race

> Regali potentia in nullo abuti volentes, says Hugh ( upet, omnia negotia respublice su consultatione et sententia fidelium nostrorum disponiums. Recueil des Hist t. x p 392 The subscriptions of these royal counsellors were necessary for the confirmation, or, at least, the authentication of charters, as was also the case in England, Spain, and Italy This pracnee continued in England till the reign of John

sovereign †

The Curia regus seems to have

differed only in name from the Concilium regium. It is also called Curis parium, from the equality of the barous who composed it, standing in the same feudal degree of relation to the sovereign. But we are not yet arrived at the subject of jurisdiction, which it is very dithcult to keep distinct from what is immediately before us.

† Recueil des Hist, t xi.p 800. and preface, p 179 Vaissette, Hist de Languedoc, t. ii p. 508

But, hotwithstanding the want of any perma- CHAP. II nent legislation during so long a period, instances PART il. occur, in which the kings of France appear to have FEUDAL acted with the concurrence of an assembly, more SISTEM militerous and more particularly summoned than assembles the royal councils At such a congress held in of baseau. 1146. the crusade of Louis VII. was undertaken.\* We find also an ordinance of the same princes in some collections, reciting that he had convoked a general assembly at Soissons, where many prelates and barons then present had consented and requested, that private wars might cease for the term of ten years. The famous Saladine tithe was imposed upon lay as well as ecclesiastical revenues by a similar convention in 1158.‡ And when Innocent IV, during his contest with the emperor Frederic, requested an asylum in France, St. Louis, though much singlined to favour him, ventured only to give a conditional permission, provided it were agreeable to his barons, whom, he said, a

 Velly, t m p 119 This, he observes, is the first instance in which the word parliament is used for a deliberative assembly

† Ego Ludovicus Dei gratin Francorum rex, ad reprimendum fervorem malignantium, et com personal manual prederim manua, postulationibus eleri et as annas basonise, toti regno par in constituimus Et caust, anno In carratti Verbi 1135, iv idus Jun Suessionense concilium celebre adunavimus, et affuerunt archiepescopa Remensis, Senonensis et comes Flandrensis, Trecensis, et

Assernensis et quamplores alu, et dux Burgundis - Ex quoru a beneplicito od navinius i veniente Pay ha ad docem annos, ut omner ecclesia regni et omnes agricole eti parem hals int et securitatem - In parem satam jurave runt Dux Burgundin, Comes Flan driw, ---- et reliqui barones qui ademnt

This ordinance is published in Du Chesne, Script Revum Galli-carum, t. iv. and in Record des Histor t xiv p 197, but not in the general collection

1 Veliv. t m p 315

CHAP.II
PART II.
FEUDAL
SYSTEM
Coun Pit-

king of France was bound to consult in such curcumstances. Accordingly he assembled the French barons, who unanimously refused their consent.\*

It was the ancient custom of the kings-of France as well as of England, and indeed of all those vassals who affected a kind of sovereignty, to hold general meetings of their barons, called Cours Plemères or Parliaments, at the great festivals of the year. These assemblies were principally intended to make a display of magnificence, and to keep the foundal tenants in good humour; nor is it easy to discover that they passed in any thing but pageantry.† Some respectable antiquaries have however been of opinion, that affairs of state were occasionally discussed in them; and this is certainly by no means inconsistent with probability, though not sufficiently established by evidence.†

Excepting a few instances, most of which have been mentioned, if does not appear, that the kings of the house of Capet acted according to the advice and deliberation of any national assembly, such as assisted the Norman sovereigns of England, nor was any consent required for the validity of their edicts, except that of the ordinary council, chiefly formed of their household officers and less powerful vassals. This is at first sight very remarkable. For there can be no doubt that the government of Henry I. or Henry II. was incomparably stronger than that of Louis VI. or Louis

<sup>Veily t iv. p 306
† Du Cange, Dissert 5 nur
t. ali Record des Hist. t. zi. préface, p. 155</sup> 

VII. But this apparent absoluteness of the latter CHAP.II. was the result of their real weakness and the dis- PART IL organization of the monarchy. The peers of France PRUDAL were infrequent in their attendance upon the YSTEM. kan's council, because they denied its coercive of noval authority. It was a fundamental principle, that property leevery feudal tenant was so far sovereign within the limits of his fief, that he could not be bound by any law, without his consent. The king, says St. Louis in his Establishments, cannot make proclamation, that is, declare any new law, in the territory of a bason without his consent, nor can the baron do so in that of a vavassor.\* Thus, if legislative power be essential to sovereignty, we cannot in strictness assert the king of France to have been sovereign beyond the extent of his domanial territory. Nothing can more strikingly illustrate the dissimilitude of the French and English constitutions of government, than the sentence above cited from the code of St. Louis.

Upon occasions, when the necessity of common substitutes deliberation, or of giving to new provisions more in subs extensive scope than the limits of a single fief, was my. too glaring to be overlooked, congresses of neighbouring lords met in order to agree upon resolutions, which each of them undertook to execute within his own domains. The king was sometimes a contracting party, but without any coercive authority over the rest. Thus we have what is called

puet mettre han en la terre au vavasor Ordonnances des Rom, t

<sup>\*</sup> No li Rois ne puet mettre ban en la terre au barou sans son essentment, ne li Bers [Baron] ne i p 120

PART II. SYSTEM.

CHAP. II an ordinance, but, in reality, an agreement, between the king (Philip Augustus), the countess of Troyes FEUDAL or Champagne, and the lord of Dampierre (count of Flanders, relating to the Jews in their domains, which agreement or ordinance, it is said, should endure "until ourselves, and the countess of Troves, and Guy de Dampierre, who make this contract, shall dissolve it with the consent of such of our barons as we shall summon for that purpose."\*

> Ecclesiastical councils were another substitute for a regular legislature, and this defect in the political constitution rendered their encroachments less obnoxious, and almost unavoidable. Troves in 878, composed perhaps in part of laymen. imposed a fine upon the invaders of church pro-And the council of Toulouse, in 1229, prohibited the erection of any new fortresses, or the entering into any leagues, except against the enemies of religion, and ordained that judges should administer justice gratuitously, and publish the decrees of the council four times in the year !

First mea sures of general legislation

The first unequivocal attempt, for it was nothing more, at general legislation, was under Louis VIII in 1223, in an ordinance, which, like several of that age, relates to the condition and usurious dealings of the Jews It is declared in the preamble

Quousque nos, et comitiesa Trecenso, et Guido de Domna petra, qui hoe facimus, per nos, et illos de baronibus nostris, quos ad hoc vorare volumus, illud diffaciamus Ordonnances des Rois, t. 1 p 39 This ordinance bears no

date, but it was probably between 1218 and 1223, the year of Philip's

<sup>†</sup> Vaussette, Hist de Languedoc.

t n p 6 1 Velly, t. w p 132

to have been enacted, per assensum archiepiscopo- CHAP. II rum, episcoporum, comitum, baronum, et militum PART II regni Franciæ, qui Judæos habent, et qui Judæos FFI DAL non-habent. This recital is probably untrue, and intended to cloak the hold innovation contained in the last clause of the following provision. Sciendum, quod nos et barones nostri statiumus et oidinavimus de statu Judæorum quod nullus nostrâm alterius Judæos recipere potest vel retinere, et line intelligendum est tam de his qui stabilimentum juraverint, quam de illis qui non paraverint . This was renewed with some alteration in 1230, de communi consilio baronum nostrorum !

But whatever obedience the vassals of the crown might pay to this ordinance, their original exemption from legislative controll remained, as we have seen, unimpaired at the date of the Establishments of St. Louis, about 1269, and their ill-judged confidence in this lendal privilege still led them to absent themselves from the royal It seems impossible to doubt that the barons of France might have asserted the same right, which those of England had obtained, that of being duly summoned by special writ, and thus have rendered their consent necessary to every measure of legislation But the fortunes of France were different. The establishments of St. Louis are declared to be made " par grand conseil de sages hommes et de bons clers, 'but no mention

<sup>+</sup> Id p 51 Ordonnances des Rois, 1 i

CHAP II. is made of any consent given by the barons; nor PART II. does it often, if ever, occur in subsequent ordi-PEUDAL nances of the French kings.

Legislative CTEALES.

The nobility did not long continue safe in their immunity from the king legislative power. the ensuing reign of Philip the Bold, Beaumanoir lays it down, though in very moderate and doubtful terms, that " when the king makes any ordinance specially for his own domains, the barons do not cease to act in their territories according to the ancient usage, but, when the ordinance is general, it ought to run through the whole kingdom, and we ought to believe that it is made with good advice, and for the common benefit. \* another place he says with more positiveness, that " the king is sovereign above all, and has of right the general custody of the realm, for which cause he may make what ordinances he pleases for the common good, and what he ordains ought to be observed, nor is there any one so great but may be drawn into the king's court for default of right or for false judgment, or in matters that affect the sovereign."† These latter words give us a clue to the solution of the problem, by what means an absolute monarchy was established in France. For though the barons would have been little influenced by the authority of a lawyer like Beaumanour, they were much less able to resist the coercive logic of a judicious tribunal. It was m vain for them to deny the obligation of royal ordi-

( auses of

nances within their own domains, when they were CHAP. II. compelled to acknowledge the jurisdiction of the PART II. parliament of Paris, which took a very different PRUDAL view of their privileges. This progress of the royal jurisdiction will fall under the next topic of mourry, and is only now hinted at, as the probable means of confirming the absolute legislative power of the French crown

The ultimate source, however, of this increased authority will be found in the commanding attitude assumed by the kings of France from the reign of Philip Augustus, and particularly in the annexation of the two great fiefs of Normandy and Toulouse. Though the châtelains and 'vavassors who had depended upon those fiels before their re-union were, agreeably to the text of St. Louis's ordinance, fully sovereign, in respect of legislation, within their territories, yet they were little competent, and perhaps little disposed, to offer any opposition to the royal edicts; and the same relative superiority of force, which had given the first kings of the house of Capet a tolerably effective controul over the vassals dependent on Paris and Orleans, while they hardly pretended to any over Normandy and Toulouse, was now extended to the greater part of the kingdom St. Louis, in his scrupulous moderation, forbore to avail himself of all the advantages presented by the circumstances of his reign; and his Establishments hear testimony to a state of political society, which, even at the moment of their promulgation, was passing away. The next thirty years after his death, with

PEUDAL

CHAP. II. no marked crisis, and with little disturbance, si-PART II. lently demolished the feudal system, such as had been established in France during the dark confusion of the tenth century. Philip the Fair, by help of his lawyers and he financiers, found himself, at the beginning of the fourteenth century. the real master of his subjects

( onvocation at the Make be nal by I'habp the Feu

There was however one essential privilege which he could not hope to overturn by force, the immunity from taxation enjoyed by his barons This, it will be remembered, embraced the whole extent of their fiels, and their tenantry of every description, the king having no more right to impose a tallage upon the deniesne towns of his vassals, than upon themselves Thus his resources. in point of taxation, were limited to his own domains, including certainly, under Philip the Fair, many of the noblest cities in France, but by no means sufficient to meet his increasing necessities We have seen already the expedients employed by this rapacious monarch, a shameless depreciation of the coin, and, what was much more justifiable, the levying taxes within the territories of his vassals by their consent. Of these measures, the first was odious, the second slow and im-Confiding in his sovereign authority, perfect though recently, yet almost completely established, and little apprehensive of the feudal principles, already grown obsolete and discountenanced, he was bold enough to make an extraordinary innovation in the French constitution. This was the convocation of the States General, a

representative body, composed of the three orders CHAP II of the nation.\* They were first consened in 1302, PART II

PART II FALDAL SYSTEM

• It is almost unanimously agreed among French writers, that Philip the Fair first introduced a representation of the Howns into ins national assembly of State-General Nevertheles, the Chronicles of St. Denis, and other historians of rather a life date, as sert that the deputies of towns were present at a perlumina in 141, to add to the king what should be done in consequence of the count of Angoulemes retisal of homage Boulanville rs, Hist de l'Ancien Couvernariant de Irme, tu p 20 Villari, t x p 125. The latter pretends even that they may be travel a century farther back on you dept his zens de homes villes assister at a crists de 1145 thad But he quete no authority for this, and his vages language does not us its using httpposing, that any representation of the three estates, properly or mo-derstood, did, or indeed a did, take place in 1145, while the power of the aristocracy was unbroken, and very few towns had been wecorporated If it be true that the deputies of some royal towns were summoned to the parliament of 1241, the conclusion must not be inferred, that they promoted any consenting voice, nor perhaps that they formed, strictly speaking, an integrant portion of the assembly There is reason to believe, that deputies from the royal burghs of Scotland occasionally appeared at the bar of parliament, long before had any deliberative voice Prokerton's list of Scotland, vol i p 371

An ordinance of St. Louis, quoted in a very respectable book, valuector's elistory of Languedoc, t in p 490 his not published in da Recuri des Ordonnances, not on's shows the existence, in one metance, of a proxime al legislative escentists, but is the earliest proof pathape fith tiers that appearing as a constituent part of it. Inc. relates to the second move, or county, of Beautaire in Labourdor, and to read or it 1204. It provides, that if the seneschal shall think fit to probbit the export of more less like the shall sugamen some of the prolates, barons, knights, and inhabituits of the that towns, by whose advice he shad is in such probinition, and to recall it, when made, without like advice. But though it is in terration to see the progressive in portance of the entirens of towns, it this temporary and insulated ordinance is a coffice to sufficient to establish a animational right Neither do we had therein any esphiffe of representation it rather appears that the persons aseistan, in this assembly were note bles, affected by the senestial

I am not aware of any tost mee of regular previoual estates being summoned with each tall powers, although it was very common in the teartes attrectitury to ask their consent to grants of noney, when the court was unwilling to convoke the States Central 1 et there is a passage in a book of considerable credit, the tyrand Customers, or Somme Rurale of Ikante dler, which seems to render general the particular case of the seneschausers Bouteiller wrote of Beam aire about the end of the fourteenth century. The great courts summoned from time to time by the buillis and seneschals were called PEUDAI

CHAP.II in order to give more weight to the king's cause. PART II. in his great quarrel with Boniface VIII.; but their expect grant of a subsidy is in 1314 the nobility surrendered to the crown their last privilege of territorial independence, and having first submitted to its appellant jurisdiction over their tribunals, next to its legislative supremacy, now suffering their own dependents to become, as it were, immediate, and a Third Estate to rise up almost co-ordinate with themselves, endowed with new franchises, and bearing a new relation to the monarchy.

> It is impossible not to perceive the motives of Philip in embodying the deputies of towns, as a separate estate in the national representation. He might, no question, have convoked a parliament of his barons, and obtained a pecuniary contribution which they would have levied upon their burgesses and other tenants. But besides the ulterior policy of diminishing the controll of the barons over

assises Their usual function was to administer justice, especially by way of appeal, and perhaps to re-dress abuses of soferior officers But he seems to give them a more extended authority. En assise, he says, appelles los sages et seigneurs du pais, peuvent estre mises sus nouvelles constitutions, et ordonnances sur le pais et destruites autre que seront grevebles, et un entre tempe non, et doivent etre publices, afin que out ne les pueuet ignorer, et lors ne les peut ne doit ames nul sederguer.-Mém. de l'Acad. des Insempteess, t. axx. p. 606

The taille was assessed by respectable persons chosen by the advice of the parish priests and others, which gave the permit a sort of share in the reportston, i use a French term, of public burthens, a matter of no small importance, where a tax is levied on visible property. Ordonusser-des Ross, p. 201. Beassmanov, p. 269. This, however, continued, I behave, to be the practice in later times, I know it is so in the present system of France, and is perfectly distinguishable from a popular consent to taxation.

their dependents, he had good reason to expect CHAP II more liberal aid from the immediate representatives PART IL of the people, than through the concession of a FEUDAL dissatisfied aristocracy. He must be blind indeed, SINTEM. save Pasquier, who does not see that the roturier was expressly summoned to this assembly, contrary to the ancient institutions of France, for no other reason, than that, masmuch as the burthen was intended to fall principally upon him, he might engage himself so far by promise, that he could not afterwards murmur or become refractory.\* Nor would I deny the influence of more generous principles; the example of neighbouring countries, the respect due to the progressive civilization and opulence of the towns, and the application of that ancient maxim of the northern monarchies, that whoever was elevated to the perfect dignity of a freeman acquired a claim to participate in the imposition of public tributes.

It is very difficult to ascertain the constitutional Right of rights of the States General, claimed or admitted, General as during forty years after their first convocation If indeed we could implicitly confide in an historian of the sixteenth century, who asserts that Louis Hutan bound himself and his successors not to levy any tax without the consent of the three estates, the problem would find its solution † This ample charter does not appear in the French archives; and though by no means to be rejected

Gouvernement, t u p 128) refers \* Recherches de la France, l for this to Nicholas Gillen, a ciero † Boulainvilliers (Hist. de l'Anc. ' nicler of no great repute

FEUDAL SYSTEM.

CHAP II on that account, when we consider the strong PART II. motives for its destruction, cannot fairly be adduced as an authentic fact. Nor can we altogether infer, perhaps, from the collection of ordinances, that the crown had ever intentionally divested itself of the right to impose tallages on its domanial tenants. All others, however, were certamly exempted from that prerogative; and there seems to have been a general sentiment, that no tax whatever could be levied without free consent of the estates.\* Louis Hutin, in a charter granted to the nobles and burgesses of Picardy, promises to abolish the unjust taxes maltotes) imposed by his father it and in another instrument, called the charter of Normandy, declares that he renounces for himself and his successors all undue tallages and exactions, except in case of evident utility! This exception is doubtless of perilous ambiguity. yet as the charter was literally wrested from the king by an insurrectionary league, it might be expected that the same spirit would rebel against his royal interpretation of state-necessity. successor, Philip the Long, tried the experiment' of a gabelle, or excise upon salt. But it produced so much discontent, that he was compelled to assemble the States General, and to publish an

Mably, Observat. sur l'Hust. de France, l v : 1 is positive against the right of Philip the Fair and his successors to impose taxes Mondoner (Monarchie Française, t. p. 202) is of the same opinion. In thei, there is reason to believe, that the kings in

general did not claim that prerogative absolutely, whatever pre-texts they might set up for occasional stretches of power

<sup>†</sup> Ordonnances des Rois, t i

p 566 idem, Lip 589

ordinance declaring that the impost was not CHAPII. designed to be perpetual, and that, if a sufficient PART II supply for the existing war could be found else- HUDAL where, it should instantly determine \* Whether SISTEM this was done, I do not discover, nor do I conceive, that any of the sons of Philip the Fair. inheriting much of his rapacity and ambition, abstained from extorting money without consent Philip of Valois renewed and augmented the duties on salt by his own prerogative, nor had the abuse of debasing the current coin been ever carried to such a height as during his reign, and the first years of his successor. These exactions, aggravated by the smart of a hostile invasion, produced a very remarkable concussion in the government of France

I have been obliged to advert, in another place, substitute to the memorable resistance made by the Estates and 1356 General of 1355 and 1356 to the royal authority, on account of its in-cparable connexion with the civil history of France 1. In the present chapter, the assumption of political influence by those assemblies deserves particular notice they pretended to restore the ancient constitution of the northern nations, still flourishing in Spain and England, the participation of legislative power with the crown. Five hundred years of anarchy and ignorance had swept away all remembrance of those general diets, in which the capitularies of the Carlovingian dynasty had been established by

<sup>+</sup> Chap 1 p 76 \* Ordonnances des Rois, L : p 679 YOL

FEUDAL SYSTYM

CHAP II common consent. Charlemagne himself was PART II. hardly known to the French of the fourteenth century, except as the hero of some silly romance or ballad. The States General remonstrated indeed against abuses, and especially the most flagrant of all, the adulteration of money; but the ordinance granting redress emanated altogether from the king, and without the least reference to their consent, which sometimes appears to be studiously omitted.\* But the privilege upon which the States under John solely relied for securing the redress of grievances, was that of granting money and of regulating its collection The latter, indeed, though for convenience it may be devolved upon the executive government, appears to be incident to every assembly in which the right of taxation resides. That, accordingly, which met in 1355 nominated a committee chosen out of the three orders, which was to sit after their separation, and which the king bound himself to consult, not only as to the internal arrangements of his administration, but upon every proposition of peace or armistice with England. Deputies

with the crown, or even a consent ing voice Mably, Boulainvilliers and Montlosier, are as decisive or this subject, as the most opurity writers of that country lows as a just consequence, that France never possessed a free con stitution, nor had the monarchy any immusions in respect of en acting laws, save those which until the reign of Philip the Fair. the feedul pranciples had suspound

<sup>\*</sup> The proceedings of States (seseral held under Philip IV and his sons have left no trace in the French statute book Two ordinances alone out of some hundred enacted by Philip of Valois appear to have been founded upon them

suggestions
It as absolutely certain, that the States General of France had, at no period and in no instance, a co-ordinate legislative authority

were dispatched into each district, to superintend CHAP. II the collection, and receive the produce of the PARTH subsidy granted by the States." These assump- FLUDAL tions of power would not long, we may be certain, have left the sole authority of legislation in the king, and might perhaps be censured as usurpation, if the peculiar emergency in which France was then placed did not turnish their defence But, if it be true that the kingdom was reduced to the utmost danger and exhaustion, as much by malversation of its government, as by the armies of Edward III., who shall deny to its representatives the rights of ultimate sovereignty, and of suspending at least the royal prerogatives, by the abuse of which they were falling into destruction 1 I confess that it is exceedingly difficult, or perhaps impracticable, with such information as we mussess, to decide upon the motives and conduct of the States General, in their several meetings before and after the battle of Pottiers Arbitrary power prevailed, and its opponents became, of course, the theme of obloquy with modern histomans. Froissart, however, does not seem to impute any fault to these famous assemblies of the States General, and still less a more contemporary his-

<sup>•</sup> Ordonames des Rois, t ill p. 31 and preface, p. 42 Thus preface by M. Secousse, the editor, gives a very clear view of the geeral and provincial assemblies held in the raign of John Bouimmellisers, Hist de l'Ancien Gouvernement de France, t u. or Vul-

laret, t ix may be perused with advantage

<sup>†</sup> The second continuator of Nangus in the Spicilegium dwells on the heavy taxes, diminution of money, and general oppressiveness of government in this age, t in p 108

CHAP II. torian, the anonymous continuator of Nangis

PART II Their notices, however, are very slight; and our PRODAL chief knowledge of the parliamentary history of France, if I may employ the expression, must be collected from the royal ordinances made upon these occasions, or from unpublished accounts of Some of these, which are their transactions quoted by the later French historians, are of course maccessible to a writer in this country But a manuscript in the British Museum, containing the early proceedings of that assembly which met in October, 1356, immediately after the battle of Pottiers, by no means leads to an unfavourable estimate of its intentions. The tone of their representations to the Duke of Normandy Charles V., not then called Dauphin is full of loyal respect, their complaints of bad administration, though bold and pointed, not outrageous, their offers of subsidy liberal. The necessity of restoring the coin is strongly represented, as the

among the manuscripts of Dupus, and frequently referred to by Sc. course himself in his prefice, had been taken M Western Was perfectly right an supposing the manuscript in question to relate to the proceedings of theoler. and not of lebruary, but it is not an original matrument. It forms part of small volume written on vellum, and containing seversi other treatises. It seems, however, as far as I can judge, to be another copy of the account which Dupuy possessed, and which becouse so often quotes, under the name of Proces-rerbal.

Cotton MSS Titus, t xit fol 58-74 This manuscript is noticed, as an important document, in the preface to the third volume of Ordonnances, p 4tt by M Secousse, who had found it men troned in the Bibliothèque Historique of Le Long No 11242 No. I rench autiquary appears, at least before that time, to have peen it, but Boulanvilliers conjectured that it related to the assembly of States in February 1356, (1357) and M Secousse supposed it rather to be the original journal of the receding meeting in October 1356, from which a copy, found

grand condition upon which they consented to tax CHAP. II. the people, who had been long defrauded by the PART II. base money of Philip the Fair and his succes- FEI DAL SATS \*

YSTEM.

But whatever opportunity might now be af- Troubles at forded for establishing a just and free constitution in France was entirely lost. Charles, mexpenenced and surrounded by evil counsellors, thought the States-General inclined to encroach upon his rights, of which, in the best part of his life, he was always abundantly careful. He dismissed therefore the assembly, and had recourse to the easy but rumous expedient of debasing the coin-This led to seditions at Paris, by which his autho-

rity and even his life were endangered February 1357, three months after the last meeting had been dissolved, he was obliged to convoke

\* Et eston et est l'entente de corle qui a la ditte convocation estment que quelconque ottros ou and qu'ils fersant, ils cussent bonne monnous et estable selon Lidvia des trois estats-et que les chartres et lettres faites pour les reformations do ros aume pier le ros-Philippe le le l, et tout si elles qui turent faites par le rivinetre seigneur qui est a present fuseint confirme es enterinces temues e gar les s de point en point, et tactes les aides qui l'conques qui taites soient fussent recurs et distribuces par ceuix qui soient a ce commis par les trois estats, et autorisées par M. le Duc et sur certaines autres conditions et modifications justes et ramonables et proufisables et semble que ceste aide eust etc

moult grant et moult proufitable, er trop plus que ades de fait de monnove. Car cite su terroit de volonte da periple et coosentement communiselos Dieu et selono mscience. It is proutit que on pront et reult ou proudre sur le fat de la nomnove anquel on mult fire le tait de la guerre, et er voit a la destruction et a este au temps passe du roy et du royaume et des subnets. Et si se destruit le billon tint par fontures et blanchia comme autrement, ne le fait we peast durer longue ment qu' il ne sienne a destruction si on continue longuement, Et at est tout certain que les gens d'armes ne vouldrment ever conteus de leurs garges par forble monnoye, PARTI PEUDAL SYSTEM

CHAP. II the States again, and to enact an ordinance conformable to the petitions tendered by the former assembly.\* This contained many excellent provisions, both for the redress of abuses, and the vigorous prosecution of the war against Edward, and it is difficult to conceived that men who advised measures so conducive to the public weal could have been the blind instruments of the king of Navarre But this, as I have already observed, is a problem in history that we cannot hope to It appears, however, that in a few weeks mter the promulgation of this ordinance, the pro-Quedings of the reformers fell into discredit, and their commission of thirty-six, to whom collection of the new subsidy, the redress of grievances, and, in fact, the whole administration of government had been entrusted, became un-The subsidy produced much less than they had led the people to expect, briefly, the usual consequence of democratical emotions in a monarchy took place. Disappointed by the failure of hopes unreasonably entertained, and improvidently encouraged, and disgusted by the excesses of the violent demagogues, the nation, especially its privileged classes, who seem to have concurred in the original proceedings of the States General, attached themselves to the party of Charles, and enabled him to quell opposition by force.† Mar-

<sup>·</sup> Ordonnances des Rom, t m p 121

<sup>†</sup> Discordia motă, illi tres status ab incepto proposito cessare-

reat Ex tone come regul negotia male ire, &cc. Continuator Gul. de Nangis in Specilegio, t. m. p. 115

cel, provest of the traders, a municipal magistrate CHAP II of Paris, detected in the overt execution of a PART II. traitorous conspiracy with the king of Navarre, FEUDAL was put to death by a private hand. Whatever system. there had been of real patriotism in the States General, artfully confounded, according to the practice of courts, with these schemes of disaftected men, shared in the common obloquy, ' whatever substantial reforms had been projected, the government threw aside as seditious innovations. Charles, who had assumed the title of regent, found in the States General assembled at Paris in 1359, a very different disposition from that which their predecessors had displayed, and publicly restored all counsellors, whom in the former troubles he had been compelled to discard. Thus the monarchy resettled itself on its ancient basis, or, more properly, acquired additional stability.

Both John, after the peace of Bretigm, and tass Charles V. imposed taxes without consent of the Police States General \* The latter indeed hardly ever thatles convoked that assembly Upon his death the contention between the crown and representative body ( bailes VI was renewed, and in the first inceting held after 1380 the accession of Charles VI the government was compelled to revoke all taxes illegally imposed

A very full account of these transactions is given by Secouse, in his history of Charles the Bal, p 107 and in his preface to the third volume of the Ordonnances des Rois The reader must make allowance for the usual partialities

of a French historian, where an opposition to the reigning prince is his subject. A contrary beis is manifested by Boulamvilliers and Mably, whom however it is well worth while to hear

" Mable, l v c 5 note 5

CHAP II since the reign of Philip IV. This is the most remedial ordinance, perhaps, in the history of French FEIDAL legislation. "We will, ordain, and grant," says the SYSTEM. king, " that the aids, subsidies and impositions of whatever kind, and however imposed, that have had course in the realm since the reign of our predecessor Philip the Fair, shall be repealed and abolished, and we will and decree, that by the course which the said impositions have had, we or our successors shall not have acquired any right, nor shall any prejudice be wrought to our people, nor to their privileges and liberties, which shall be re-established in as full a manner as they enjoyed them in the reign of Philip the Fair, or at any time since; and we will and decree, that if any thing has been done contrary to them since that time to the present hour, neither we nor our successors shall take any advantage therefrom. '\* If circumstances had furned out tayourably for the cause of liberty, this ordinance might have been the basis of a free constitution, in respect at least of immunity from arbitrary taxation. But the coercive measures of the court and tumultuous spirit of the Parisians produced an open quarrel, in which the popular party met with a decisive failure.

It seems indeed impossible, that a number of deputies elected merely for the purpose of granting money can possess that weight, or be invested in the eyes of their constituents with that awfulness

<sup>•</sup> Ordonnances des Rois, t. vi p 364 The ordinance is four. containing frequent is petitions,

and a great redundance of words. intended to give more force, or at leut solemnity

of station, which is required to withstand the royal CHAP II. authority. The States General had no right of PARI II. redressing abuses, except by petition, no share in FEUDAL the exercise of sovereignty, which is inseparable statem. from the legislative power. Hence, even in their proper department of imposing taxes, they were supposed incapable of binding their constituents without their specific assent. Whether it were the ' timidity of the deputies, or false notions of freedom, which produced this doctrine, it was evidently repugnant to the stability and dignity of a representative assembly. Nor was it less rumous in practice than mistaken in theory For as the necessary subsidies, after being provisionally granted by the States, were often rejected by their electors, the king found a reasonable pretence for dispensing with the concurrence of his subjects, when he levied contributions upon them

The States General were convoked but rarely sum tounder Charles VI. and VII both of whom levied Charles VII money without their concurrence. Yet there are remarkable testimonics under the latter of these princes, that the sanction of national representatives was still esteemed strictly requisite to any ordinance imposing a general tax, however the emergency of circumstances might excuse a more arbitrary procedure Thus Charles VII in 1436, declares that he has set up again the aids which had been previously abolished, by the consent of the three estates.\* And in the important edict esta-

Ordonnances des Rois, t xiii p 211

SYSTEM.

CHAP II. blashing the companies of ordonnance, which is recited to be done by the advice and counsel of the FEUDAL States General assembled at Orleans, the forty-first section appears to bear a necessary construction, that no tallage could lawfully be imposed without such consent.\* It is maintained indeed by some writers, that the perpetual taille established about the same time was actually granted by these States of 1439, though it does not so appear upon the face of any ordinance. And certainly this is consonant to the real and recognized constitution of that age

Provincial Status.

But the crafty advisers of courts in the fifteenth contury, enlightened by experience of past dangers. were averse to encountering these great political masses, from which there were, even in peaceful times, some disquieting interferences, some testimonies of public spirit and recollections of liberty to apprehend. The kings of France indeed had a resource, which generally enabled them to avoid a convocation of the States General, without violating the national tranchises. From provincial assemblies, composed of the three orders, they usually obtained more money than they could have extracted from the common representatives of the nation, and heard less of remonstrance and demand.1 Languedoc in particular had her own assembly of states, and was rarely called upon to send deputies to the general body, or representatives of what was

Ordonnauces des Ross, p. 912 Boulanvilliers mentions other instances, where the States granted money during this reign 1 in p 70

<sup>†</sup> Bréquigny, préfere au trestième tome des Ordonnances Boulanvilliers, tim p 108 ! Villaret, 1 x1. p. 270

called the Languedoil. But Auvergne, Normandy, CHAP.II. and other provinces belonging to the latter division, PART IL. had frequent convocations of their respective HUDAL estates, during the intervals of the States General. System. intervals, which by this means were protracted far beyond that duration to which the exigencies of the crown would otherwise have confined them \* This was one of the essential differences between the constitutions of France and England, and arose out of the original disease of the former monarchy, the distraction and want of unity consequent upon the decline of Charlemagne's family, which separated the different provinces in respect of their interests and domestic government from each other.

But the formality of consent, whether by general or provincial states, now ceased to be reckoned indispensable. The lawyers had rarely seconded any efforts to restrain arbitrary power, in their hatred of feudal principles, especially those of territorial jurisdiction, every generous sentiment of freedom was proscribed, or if they admitted that absolute prerogative might require some checks, it was such only is themselves, not the national Charles VII. representatives, should impose Louis XI. Inxen of levied money by his own authority. carried this encroachment to the highest pitch of Louis VI exaction. It was the boast of courtiers, that he first released the kings of France from dependence. thors de page), or, in other words, that he effectually demolished those barriers, which, however

<sup>·</sup> Ordonnances des Rois, t in pichice

CHAP.H. imperfect and ill-placed, had imposed some imper-PART II. diment to the establishment of despotism.

PEUDAL BYSTEM

The exactions of Louis, however, though borne with patience, did not pass for legal with those upon whom they pressed. Men still remembered their ancient privileges, which they might see with mortification well preserved in England "There is no monarch or ford upon earth, (says Philip de Comines, himself bred in courts,) who can raise a farthing upon his subjects, beyond his own domains, without their free concession, except through tyranny and violence It may be objected that in some cases there may not be time to assemble them, and that was will bear no delay; but I reply, he proceeds,) that such haste ought not to be made, and there will be time enough, and I tell you that princes are more powerful, and more dreaded by their enemies, when they undertake any thing with the consent of their subjects "I

States (18neral of Lours in 1484 The States General met but wice during the reign of Louis XI, and on neither occasion for the purpose of granting money. But an assembly in

7

The prefere to the systemile volume of Ordonnances, before quoted, displays a lamental le pre-ture of the internal situation of France in consiquence of excessive taxation, and other abuses. These continued ever since to retard the improvement, and diminish the intrinsic prosperity of a country so extraordinarily endowed with natural advantages. Philip da

Commes was forcibly struck with the different situation of England and the Netherlands And Sir John bortescue has a remarkable passage on the poverty and servatude of the brench commons, contrasted with English freemess. Deference of hunted and absolute monarchy, p. 17

† Mon de Commes Living

† Mém de Commes, I. ir e.

the first year of Charles VIII., the States of Tours CHAP.IL in 1484, is too important to be overlooked, as it PART IL marks the last struggle of the French nation by FELDAL its legal representatives for immunity from arbi- System. trary taxation.

A warm contention arose for the regency upon the accession of Charles VIII., between his aunt Anne de Beaujeu, whom the late king had appointed by testament, and the princes of the blood, at the head of whom stood the Duke of Orleans, afterwards Louis XII The latter combined to demand a convocation of the States Gas Aal, which necordingly took place. The kinjacent brity and the factions at court seemed e of the Nourable omens for liberty. But a schenee very rifully contrived, which had the most dicor recodency to break the force of a popular assembly deputies were classed in six nations, who debated in separate chambers, and consulted each other only upon the result of their respective delibera-It was easy for the court to foment the jealousies natural to such a partition. Two nations, the Norman and Burgundian, asserted that the right of providing for the regency devolved, in the king's minority, upon the States General, a claim of great boldness, and certainly not much founded upon precedents. In virtue of this, they proposed to form a council, not only of the princes, but of certain deputies to be elected by the six nations who composed the States But the other four, those of Paris, Aquitaine, Languedoc, and Languedoil, (which last comprized the central proPEUDAL

CHAP.II. vinces,) rejected this plan, from which the two PARTIL former ultimately desisted, and the choice of counsellors was left to the princes.

> A firmer and more unanimous spirit was displayed upon the subject of public reformation The tyranny of Louis XI, had been so unbounded, that all ranks agreed in calling for redress, and the new governors were desirous, at least by punishing his favourites, to shew their inclination towards a change of system. They were very far, however, from approving the propositions of the States Gignral These went to points which no court co that in scfeel touched, though there is seldom amble themode of redressing public abuses the probut I repense of the royal household, the number it to issons and improvident grants, the excessive establishment of troops The States explicitly demanded that the taille and all other aditrary imposts should be abolished, and that from thenceforward, "according to the natural liberty of France, 'no tax should be levied in the kingdoni without the consent of the States. was with great difficulty, and through the skilful management of the court, that they consented to the collection of the taxes payable in the time of Charles VII with the addition of one-fourth, as a gift to the king upon his accession. This subsidy they declare to be granted "by way of gift and concession, and not otherwise, and so as no one should from thenceforward call it a tax, but a gift and concession." And this was only to be in force for two years, after which they stipulated that

another moetling should be convoked. But it was CHAP.II. little likely that the government would encounter PART II. such a risk, and the princes, whose factious views FLUDAL the States had by no means seconded, felt no SYSTEM. temptation to urge again their convocation. assembly in the annals of France seems, notwithstanding some party selfishness arising out of the division into nations, to have conducted itself with so much public spirit and moderation, nor had that country perhaps ever so fair a prospect of establishing a legitimate constitution.

The right of jurisdiction has undergone successive changes in France and in the adjacent countries, the judicial still more remarkable than those of the legislative policy of power, and passed through three very distinct stages, as the popular, aristocratic, or regal influence predominated in the political system. The original Franks, Lombards, and Saxons seem alike to have pureduction been jealous of judicial authority, and averse to surrendering what concerned every man's private right, out of the hands of his neighbours and his equals Every ten families are supposed to have had a ection the tythingman magnstrate of their or France and Lombardy | of England, the decr renarius or Hundredary, Next in order wase l'Acad

\* I am altogether indebted to surmer for the proceedings of the titles of Tours His account, 348, as extremely coulous, and derived from a manuscript journal Commes alludes to them some times, but with little particularity + The Decame is mentioned by a writer of the ninth age as the lowest species of judge, immediately under the Centenarius The latter is compared to the l'lebanus, on priest of a church, where baptism was performed, and the former to an inferior presbyter Du Cange, v Decanus, and Murators, Antiq Ital Dussert, x

PART II FEUDAI **System** 

CHAP II whose name expresses the extent of his purisdiction, and who, like the Decanus, was achoseti by those subject to it.\* But the authority of these petty magistrates was gradually confined to the less important subjects of legal inquiry. No man. hya capitulary of Charlemagne, could be impleaded for his life, or liberty, or lands, or servants in the hundred court. In such weighty matters, or by way of appeal from the lower jurisdictions, the count of the district was judge. He indeed was appointed by the sovereign, but his power was checked by assessors, called Scabini, who held their office by the election, or at least the concurrence, of the people ! These Scabini may be considered as a sort of jury, though bearing a closer analogy to the Judice-Selecti, who sat with the Prætor in the tribunals of Rome. An ultimate appeal seems to have lain to the Count Palatine, an officer of the royal household; and sometimes causes were decided by the sovereign-himself & Such was the

> \* It is evident from the (apitularies of Charlemagne, Baluze, t i p 426 and 466 that the Cen

centenaru neque ad mortem, neque Xes payo Baluze, and other annual libertati me suam amittendam payo have confounded the Scaaut ad res reddendas sel mancipia debini with the Rachimburgs, of judicetur bedieta aut in præsentia comitis vel missorum nostrorom judicentur Capit A D 812

Palus p 407
7. Belusii Capitularia, p 466
Monaton, Dissert 10 Du Cange,
v Seabini. These Seabini may
be traced by the light of charten
down to the eleventh century Recoell des Filstorrens, 1 vi pre-

face, p 186 There is in particular, a decisive proof of their ex-'ence in 418, in a record which tenarii were elected by the peuple 'V. ai ave already had occusion to that is, I suppose, the free holders and have the Hist de Lan-† It nulles home in placiturt, the in Appendix, p 56 Du whom we read in the oldest laws. But M Guizot has proved the fatter were land-holders, acting in the county courts as judges under the presidency of the count, but whally independent of him The Souther in Charlemagne's age supersonal them Essai sur l'Histoire de France, p 239-272 ... 5 Du Cange, Dissettation 14

original moder of judicature; but as complaints of CHAP. II. mustice and neglect were frequently made against PART II. the counts, Charlemagne, desirous on every account to controll them, appointed special judges, called Missi Regn, who held assizes from place to place, inquired 14to abuses and mal-administration of justice, enforced its execution, and expelled inferior judges from their offices for miscenduct.\*

This judicial system was gradually superseded Temtoral by one founded upon totally opposite principles, jurisdiction those of feudal privilege It is difficult to ascertain the progress of territorial jurisdiction.

many early charters of the French kings, beginning with one of Dagobert I in 630, we find inserted in their grants of land an immunity from the entrance of the ordinary judges, either to hear causes, or to exact certain dues accruing to the king and to themselves These charters indeed relate to church lands, which, as it seems implied

by a law of Charlemagne, universally possessed an exemption from ordinary jurisdiction A prece-

our Joinville, and Glossarv, v Comites Palatini, Mem de l'Acad des Inscript t. xxx p 590 Louis the Debonaar gave one day in avery week for bearing causes, but his subjects were required not to have recourse to him, unless where A Minest or the counts had not dense justice. Baltuze, t. 1 p. 668
Chistias the Baid expressly reserves
an append to humself from the infefibre tellumats. Capid. 869 t. 11 p.
215. In his reign, there was at least a dains to severeigney preserved

For the jurisdiction of the Missi Regii, besides the Capitularies themselves, see Muratori seighth Dissertation They went their circuits four times a year Capitul A D 812 A D 823. A vestige of this institution long continued in the province of Auvergne, under the name of Grands Jours d'Auvergne, which Louis XI revived in 1479. Garmer, llist de France, i. zvin p. 458

PART II. PRUDAL SYSTEM.

CHAP II dent, however, in Marculfus leads us to infer a similar immunity to have been usually in gifts to private persons.\* These rights of justice in the beneficiary tenants of the crown are attested in several passages of the capitularies. And a charter of Louis I. to a private individual contains a full and exclusive concession of jurisdiction over all-persons resident within the territory, though subject to the appellant controll of the royal It is obvious, indeed, that an exemptribunals † tion from the regular judicial authorities implied or naturally led to a right of administering justice in their place But this could at first hardly extend beyond the tributaries or villeins who cultivated their master's soil, or, at most, to free persons without property, resident in the territory. To determine their quarrels, or chastise their offences was no very illustrious privilege. An alodial freeholder could own no jurisdiction but that of the king It was the general prevalence of sub-infeudation, which gave importance to the territorial jurisdictions of the nobility. For now the military tenants, instead of repairing to the county-court, sought justice in that of their immediate lord, or

dent Baluzn Capitularia, t ii

This appellant controll was preserved by the capitulary of Charles the liald, quoted aiready, over the territorial, as well as royal tribunals Si aliquis episcopus, vel comes ac vassus noster soo homius contra rectum et justitram feorni, et as unde ad nos reclamavests. scial quia, sicul ratio et lex est. liuc emendare facientes

Marculfi Lormala, l 1 c 17 † Li nuilu- comes, nec vicarius, pumores corum, nec ullus judex publicus illerum homines,qui super illorum aprimone habitant, aut in illorum proprio, distringere nec judicare presument, sed Johannes et blu mit, et posterites illorum, illi sos judicent et distringant. Li quiequid per legem judicavernit, stabilis permaneat. Lt si extra legem fecerut, per legem emen-

rather the count himself, become the suzerain in- CHAP II. stead of the governor of his district, altered the PART II. form of his tribunal upon the feudal model.\* system of procedure so congenial to the spirit of System the age spread universally over France and Germany. The tribunals of the king were forgotten like his laws; the one retaining as little authority to correct, as the other to regulate, the decisions of a te ritorial judge. The rules of evidence were superseded by that monstrons birth of ferocity and superstition, the judicial combat, and the maxims of law reduced to a few capacious customs, which varied in almost every barony

These rights of administering justice were post to day sessed by the owners of nefs in very different degrees, and, in France, were divided into the high, the middle, and the low purisdiction. 1 The first species alone. Ia haute justice) conveyed the power of life and death, it was inherent in the baron and the chatelain, and sometimes enjoyed by the simple vavassor. The lower purisdictions were not competent to judge in capital cases, and c nsequently forced to send such criminals to the court of the superior. But in some places, a thief taken in the fact might be punished with death by

venire cogalur, misi qui caussm habet ad quarrendum, exceptus scabinis et vassallis comitum Balus Capitularia, t. i. p. 465 † Velly, t. vi. p. 131 Denisart,

Houard, and other law books.

We may perhaps infer, from a capitalary of Charlemagne in 809. that the feudal tenants were already employed as assessors in the administration of justice, concur-rently with the Scabini mentioned whove Ut mailus ad placitum

CHAP II a lord who had only the low jurisdiction. PART II England, this privilege was known by the uncouth FELDAL terms of Infangthef and Outlangthef. The high sterest. surrediction, however, was not very common in this country, except in the chartered towns.

Its edministration.

Several customs rendered these rights of in isdiction far less instrumental to tyranny than we might inter from their extent. While the counts were yet officers of the crown, they frequently appointed a deputy, or viscount, to administer justice. Ecclesiastical lords, who were prohibited by the canons from inflicting capital punishment, and supposed to be unacquainted with the law tollowed in civil courts, or unable to enforce it, had an officer by name of advocate, or vidame, whose tenure was often feudal and hereditary The viguers (vicarn, bailiffs, provosts, and sencschals of lay lords were similar ministers, though not in general of so permanent a right in their offices, or of such emment station as the advocates of monasteries. It seems to have been an established maxim, at least in later times, that

tionem necandi fame, frigore et siti in suo loco, licet nullam aliam jurisdictionem criminalem habeat. Dd Cange, voc Fame necare

It is remarkable, that the Neapolitan barons had no criminal jurisdiction, at least of the higher kind, till the reign of Alfonso, in 1443, who sold this destructive privilege, at a time when it was almost abolished in other kingdoms (nannone, l xxii, c 5. and XXVI C 6

A strangely cruel privilege was possessed in Aragon by the lords who had not the higher jurisdiction, and consequently could not publicly execute a criminal, that of starving him to death in prison This was established by law in 1247 Si vassallus domini non habentis merum ner mixtum imperium, in loco occident variallum, dominus loci potest eum occidere fame, frigore et siti Et quilibet dominus loci habet hanc jurisdic-

the lord could not sit personally in judgement, but CHAP, IL must entrust that function to his bailiff and vas- PARTIL sals \* According to the feudal rules, the lord's PRUDAL vassals or peers of his court were to assist at all its SYSTAM. ntsceedings. "There are some places," says Beaumaining, "where the plaintiff decides in judgement, and others, where the vassals of the lord decide But even where the bailiff is the judge, he ought to advise with the most prudent, and determine by their advice, since thus he shall be most secure if an appeal is made from his judgement "† And indeed the presence of these assessors was so essential to all territorial jurisdiction, that no lord, to whatever rights of justice his ficf might entitle him, was qualified to exercise them, unless he had at least two vassals to sit as peers in his court !

These courts of a feudal barony or manor Isalia required neither the knowledge of positive law, combat nor the dictates of natural sagacity doubtful cases, and especially where a crime not capable of notorious proof was charged, the combat was awarded, and God, as they deemed, was

noir, p. 575 See Du Cange, v. l'ares, un excellent article, and l'lactum

In England, a manor is extinguished, at least as to jurisdiction, when there are not two freeholders subject to exchest left as suitors to the court-baron Their tenancy must therefore have been created before the statute of Quia emptores, 19 Edw 1 : 1290 since which no new estate in fee simple can be held of the lord, nor, consequently, he liable to ry heat to him

Boutilier, in his Somme Rurale, written near the end of the fourteenth contury, asserts this positively. Il convient quilz facent jugger par aultre que par eulx, cest daula a leur semonte et conjere [\*] on de leur bastiff ou hentemant, et ont ressort a leur souverain fol 3 † Coûtumes de Beauvoisis, p

It was lawful, in such case, to borrow the vassals of the supersor lord Thaumassiere sur Beauma

PEUDAL SYSTEM.

CHAP II, the judge.\* The nobleman fought on horseback. PART II. with all his arms of attack and defence, the pleberin on foot, with his club and target. same were the weapons of the champions, to whom women and ecclesiastics were permitted to entrust their rights † If the combat was intended to ascertain a civil right, the vanquished party of course forfeited his claim, and paid a fine. If he fought by proxy, the champion was liable to have his hand struck off, & regulation necessary perhaps to obviate the corruption of these hired defenders. In criminal cases, the appellant suffered, in the event of defeat, the same punishment which the law awarded to the offence of which he accused his adversary ! Even where the cause was more peaceably tried, and brought to a regular adjudication by the court, an appeal for

Sordorum legem a spiane vet ire nonpossumus | Muratim, Script Rerum Italicagum, tu p. 65° Otho II established it in all disputes concerning and property, and there is a famous case when the right of representation, or proference of the son of a deceased clder child to his uncle in succession to his grandfather's estate, was settled by this test

<sup>\*</sup> Iral by combat does not seem to have established thelf completely in France, till ephals went into disuse, which Charlemagne rather encouraged, and which, in his age, the chergy for the most part approved. The former species of decision may however be met with under the first Merovingian kings, . Gree Turon I vn c 19 l x c 10 land seems to have prevailed in Burgundy. It is established by the laws of the Alemanni or Swabiana Baluz tip 80 Itwas always popular in Lombardy 1 untprand, hing of the Lombards, says in one of his laws. Incerti sumus de judieto Dei, et quos fum audivinius per pagnam sine justa causa suam caussan pardore Sed propter consuctudiusm gestus nostra Lango-

t har the ceremonies of trial by combat, we Houard, Anciennes Lox Françoises, t i p 264. Velly, t vi p 106 Recueil des Historiens, t xi preface, p. 189 Du Cange, v Duellom The great original authorities are the Assises de le rusalem, c 104. and Benumanoir, c 31 ? Beaumanoir, p. 315.

false sudgement might indeed be made to the CHAP II. suzerain, but it could only be tried by battle. PARTIL And in this, the appellant, if he would impeach the DAL the concurrent judgement of the court below, was SISTEM compelled to meet successively in combat every on of its members, unless he should vanquish them all within the day, his life, if he escaped from so many hazards, was forfeited to the law. It focture or miracle should make him conqueror in every contest, the judges were equally subject to death, and their court forfeited their jurisdiction for ever. A less perilous mode of appeal was to call the first judge who pronounced a hostile sentence into the field. If the appellant came off victorious in this challenge, the decision was reversed, but the court was not impeached 1 But for denial of justice, that is, for a refusal to try his suit, the plaintiff repaired to the court of the next superior lord, and supported his appeal by testimony. | Yet, even here, the witnesses might be defied, and the pure stream of justice turned at once into the torrent of barbarous contest &

rbarous contest ()

where such an appeal might be

Beaumanoir, c 61 In I ngland

the appeal for false judgement to

the king's court was not tried by

battle (clanvil 1 xii c 7

<sup>†</sup> Idem, c 61 I Id p 315. The practice was to challenge the \*\*acond\*\* with 185, since the testimony of the was insufficient. But this must be donbefore he completes his oath, says Beaumanoir, for after he has been aworn, he must be heard and beleved, p. 316. No one wis bound, as we may well be lieve, to

made from his testimony

6 Mably is certainly inistaken
in his opinion, that appeals for deinal of justice were not older than
the reign of Philip Augustus. (Observations our I lifet de 1.1 in

6.1.) Before this time, the varsal's remedy, he thinks, was to
make war upon his lord. And this
may probably have been frequently
practised. Indeed it as permitted,
as we have seen, by the code of St.

PAP.IL. PART IL VEUDAL SYSTEM

> Fatablishments of St Louis

Such was the judical system of France, when St. Louis enacted that great code, which beats the name of his Establishments. The rules of civil and criminal procedure, as well, as the prisciples of legal decisions, are there land down with much detail. But that incomparable brince, unable b · overthrow the judicial combat, confined himself to discouraging it by the example of a misen jurisprudence. It was abolished throughout the The lifts and seneschals who royal domains rendered justice to the king's immediate subjects were bound to follow his own laws. He not only received appeals from their sentences in his own court of pears, but listened to all complaintmenth a kind of patriarchal simplicity. "Many times," says Joinville, Shave seen the good Saint, after

Louis But those who were not strong enough to adopt this dangerous means of redress, would surely avail themselves of the assistance of the surerun, which in general would be readily afforded. We find several instances of the king's interference for the redress of injuries in Suzer's Life of Louis That active and spirited prince, with the assistance of his illustrious biographer, recovered a great part of the royal authorite which had been reduced to the lowest ebb in the long and sloth ful reign of his father, Philip I One passage, especially, contains a clear evidence of the appeal for denial of justice, and consequently refutes Mubis's opinion In 1105, the inhabitants of 5t Severe, in Herri, complain of their lord Humbald, and request the king aut ad exequind im justitumi copera, sat jure pro injuria castrum lege Sahen amittere I quote from the preface to the fourteenth volume of the Resident des Historiens, p way, that lex Salica is here used for the feudal customs; in which sense I believe it not unfrequently Many proofs might be ors urs brought of the interposition of both Louis VI and VII in the disputes between their barons and arriere varials. Thus the war between the latter and Henry II of England, in 1166, was occasioned by his entertaining a complaint from the count of Auvergne, without wasing for the decision of Henry, as duke of Cuenne. Velly, t. m p. 190. Lyttleton's Henry II. vol u p 448. Recueil des Einseriens, ubi supra, p 49

hearing mass in the summer son, lay himself at CHAP, 150 the fast of an oak in the wood of Vincennes, and PART it? make us all sit round him, when those who would-came and spake to him, without let of any officer, and he would ask aloud if there were any present who had wits; and when they appeared, would bid two of his bailiffs determine their cause upon the spot."\*

The influence of this new jurisprudence established by St. Louis, commed with the great enhancements of the royal prerogatives in every other respect, produced a rapid change in the legal administration of France. Though trial by combat occupies a considerable space in the work of Maimmoir, written under Phylip the Bold, it was already much limited Associate for talse judgement might sometimes be tried, as he expresses it, par erremens de plait, that is I presume, where the alleged error of the court below was in matter of law For wager of battle was chiefly intended to aspertain controverted facts + So where the suzeram saw clearly that the judgement of the inferior court was right, he ought not to permit the combat Or if the plaintiff, even in the first instance, could produce a record or a written obligation, or if the fact before the court was notorious, there was no room for battle! It would be a hard thing, says Beaumanoir, that if one had killed my near relation in open day be-

Collection des Memoires, t. 1 4 Beaumanoir, p. 22 P 25 ! Id p 314

CHAP IL fore many credible persons, I should be compelled PART II. to fight in order to prove his death This reflec-PEUDAL tion is the dictate of common sense, and shews that the prejudice in favour of judicial combat was dying away. In the Assises de Jerusalem, a monument of customs two hundred years earlier the age of Beaumanoir, we find little mention of any other mode of decision. The compler of that book thinks it would be very injurious, if no wager of battle were to be allowed against witnesses in causes affecting succession, since otherwise every right heir might be disinherited, as it would be easy to find two persons who would perjure themselves for money, if they had no fear of being challenged for their testimony.\* This passage indicates the real cause of preserving the judicial combat, systematic perjury in witnesses, and want of legal discrimination in judges

> It was, in all civil suits, at the discretion of the litigant parties, to adopt the law of the Establishments, instead of resorting to combat. As gentler manners prevailed, especially among those who did not make arms their profession, the wisdom and equity of the new code was naturally preferred The superstition which had originally led to the latter lost its weight through experience and the uniform opposition of the clergy. The same supemorety of just and settled rules over fortune and violence, which had forwarded the encroachments of the ecclesiastical courts, was now manifested in

those of the king. Philip Augustus, by a famous CHAP.H. ordinance in 1190, first established royal courts of PARTIL. mstice, held by the officers called bailiffs or sends- FAUDAL chais, who acted as the king s lieutenants in his STEM. domains. Every barony, as it became reunited to be crown, was subjected to the jurisdiction of one of these officers, and took the name of a bailliage or a seneschaussee, the former name prevailing most in the northern, the latter in the southern The vassals whise lands depended upon, or, in feudal language, moved from the superiority of this fief, were obliged to submit to the ressort or supreme appellant jurisdiction of the royal court established in it | This began rapidly to encroach upon the feudal rights of justice a variety of cases, termed royal," the territorial court was pronounced incompetent, they were reserved for the judges of the crown, and, in every Rosalinha case, unless the defendant excepted to the juris- properties diction, the royal court might take cognizance of distinguish a suit, and desident in exclusion of the foudal judicature.† The nature of cases reserved under the name of royal was kept in studied ambiguity, under cover of which the judges of the crown perpetually Louis X., when restrove to multiply them quested by the barons of Champagne to explain what was meant by royal causes, gave this mysterious definition. Every thing which by right or

<sup>\*</sup> Ordonnances des Rois, ta † Du Cange, v Ballivi Mem de l'Acad des Inscriptions, t. xxx.

p 603 Mahly, Inc. 4 Boulainvilliers, to p 🚭 ! M day, Bond anvalleers Moutlosier, t. i. p. 104.

CHAP II custom ought exclusively to come under the cognizance of a sovereign prince.\* Vassals were permitted to complain in the first instance to the king's court, of injuries committed by their lords. 'These rapid and violent encroachments left the nobility no alternative but armed combinations to support their remonstrances Philip the Fair bequeathed to his successor the task of appeasing a storm, which his own administration had excited | Leagues were formed in most of the northern provinces for the redress of grievances, in which the third estate, oppressed by taxation, united, with the vassals, whose feudal privileges had been infringed parate charters were granted to each of these confederacies by Louis Hutm, which contain many remedial provisions against the grosser violations of ancient rights, though the crown persisted in restraining territorial jurisdictions.† Appeals became more common for false judgement, as well as denial of right, and in neither was the combat permitted. It was still, however, preserved in accusations of hemous erimes, unsupported by any testimony but that of the prosecutor, and was never abolished by any positive law, either in France or England. But instances of its occurrence are not

nostris curiis audiantur, vel in

Ordonnances des Ross, p. 606

<sup>+</sup> Hoc perpetuo prohibenius edicto, ne subditi seu justiciabiles prelatorum aut baronum nostrorum aut aliorum subjectorum nostrorum, trahantur in causam coram nostris officialibus, nee corum CRUSE, hist in Casu ressorts, in

alio casu ad nos pertinenti. Ordonnances des Rois, t i p 362 This ordinance is of Philip the Tair, in 1302, but those passed under Louis Hutin are to the same effect. They may be read at length in the Ordinances des Rois, or abridged by Boulameritiers, t n

frequent even in the fourteenth century, and one CHAP. II. of these, rather pemarkable in its circumstances, PART IL must have had a tendency to explode the remain- FRUDIL ing superstition which had preserved this mode of SISTEM. decision.\*

the supreme council, or court of peers, to whose Resulcoundeliberative functions I have already adverted, was of peen also the great judicial tribunal of the French crown from the accession of Hugh Capet. By this alone the barons of France, or tenants in chief of the king, could be judged. To this court appeals for demals of justice were referred. It was originally composed, as has been observed, of the feudul vassals, co-equals of those who were to be tried by it. and also of the household officers, whose right of concurrence, however anomalous, was extremely ancient | But after the business of the court came to increase through the multiplicity of appeals, especially from the bailiffs established by Philip Augustus in the royal domains, the barons found neither leisure nor capacity for the ordinary ad-

Philip IV restricted trial by combat to cases where four conditions were united. The crime must be capital Its commission certain. The accused greatly suspected. And no proof to be obtained by witnesses. Under these limitations, or at least some of them, for it appears that they were not all regarded, in-stances occur for some centu-

See the singular story of Carouges and Le Gris, to which I allude in the text Villaret, t xi

p. 412 Trial by combat was al lowed in Scotland exactly under the same conditions as in France Pinkerton's Hist of Scotl vol i

<sup>†</sup> Thus court had always, it must be owned, a pretty considerable authority over some of the royal vassals kven in Robert's reign, the count of Anjou and another nobleman of less importance were summoned before it Recueil des Historiens, t x p 473.

PEUDAL SYSTEM Cours Ple Interes

CHAP II ministration of justice, and reserved their attendance for occasions where some of their own orders were implicated in a criminal process. St Louis, anxious for regularity and enlightened deersions, made a considerable alteration beintroducing some counsellors of inferior rank, chiefly ecclesiastics, as advisers of the court, though as is supposed, without any decisive suffrage court now became known by the name of parliament. Registers of its proceedings were kept, of which the earliest extant are of the year 1254. It was still perhaps in some degree ambulatory, but by far the greater part of its sessions in the thirteenth century were at Paris. The counsellors nominated by the king, some of them clerks others of noble rank, but not peers of the ancient baronage, acquired insensibly a right of suffrage \*

Parlumer t of Paris

An ordinance of Philip the Fair in 1302 is generally supposed to have fixed the sext of parliament at Paris, as well as altered its constituent parts. | Perhaps a series of progressive changes has been referred to a single epoch. But whether by virtue of this ordinance, or of more gradual events, the character of the whole feudal court was nearly obliterated in that of the parliament of Paris. A systematic tribunal took the place of a

France, l. n c s ) published this ordinance, which indeed, as the editor of Ordonnances des Rois, t i p 547 observes, is no ordiname, but a regulation for the execution of one previously made. nor does it establish the residence of the parliament of Paris

Boulainvilliers, t ii p 29 44 Mably, I to c . Encyclopedie, Ast. Parlement Mem de l Yead des Inscript t xxx p 603 The great difficulty I have found in this investigation will plead my excuse, if criors are detected

<sup>†</sup> Pasquier (Rechtrehis de la

loose aristocratic assembly It was to hold two CHAP, II sittings in the year, each of two months duration, PART II. it was composed of two prelates, two counts, FEUDAL thirteen clerks, and as many laymen. Great SysTEM charges were made afterwards in this constitution. The nobility, who originally sat there, grew weary of an attendance, which detained them from war, and from their favourite pursuits at home. The bishop were dismissed to their necessary residence upon their sees.\* As they withdrew, that class of regular lawyers, originally employed, as it appears, in the preparatory business without any decisive voice, came forward to the higher places, and established a complicated and tedious system of procedure, which was always characteristic of French jurisprudence. They introduced at the same time a new theory of absolute power, and pediagon All feudal privileges were the foudal unlimited obedience treated as encroachments on the imprescriptible With the natural bias of rights of monarchy. lawyers in favour of prerogative conspired that of the clergy, who fled to the king for refuge against the 'yranny of the barons. In the civil and canon laws a system of political maxims was found, very uncongenial to the feudal customs The French lawyers of the fourteenth and fifteenth centuries frequently give their king the title of Emperor. and treat disobedience to him as sacrilege †

branch of the French constitution, which have not fallen into my hunds

<sup>\*</sup> Velly, Hust de Lrausc, t via 303 and Encyclopedic, 1rt Parlement, are the best authorities I have found There may very pessibly be superior works on the

<sup>+</sup> Mahir, I w ( 2 note 10

PART II.
FEUDAL
SYSTEM
Peers of
France

But among these lawyers, although the general tenants of the crown by barony ceased to appear there still continued to sit a more eminent body. the lay and spiritual peers of France, representatives, as it were, of that ancient baronial aristocracy. It is a very controverted question, at what time this exclusive dignity of peerage, a word obviously applicable by the feudal law to all persons co-equal in degree of tenure, was reserved to twelve vassals. At the coronation of Philip Augustus, in 1179, we first perceive the six great feudataries, dukes of Burgundy, Normandy, Guienne, counts of Toulouse, Flanders, Chainpagne, distinguished by the offices they performed in that ceremony. It was natural indeed that, by their princely splepdour and importance, they should eclipse such 'petty lords as Bourbon and Coucy, however equal in quality of tenure. During the reign of Philip Augustus, six ecclesiastical peers, the duke-bishops of Rheims, Laon, and Langres, the count-bishops of Beauvais, Chalons, and Noyon, were added, as a sort of parallel or counterpoise.\* Their precedence does not, however, appear to have carried with it any other privilege, at least in judicature, than other barons enjoyed But their pre-eminence being fully confirmed. Philip the Fair set the precedent of augmenting their original number, by conferring the dignity of peerage on the duke of Britany and the count of Artois † Other creations took place sub-

<sup>\*</sup>Velly, tup 287 turp 221 † Velly, tvn p 97.

sequently; but they were confined, during the CHAP.U. period comprised in this work, to princes of the PARTIL royal blood. The peers were constant members FELDAL of the parliament, from which other vassals hold. SYSTEM ing in chief were never perhaps excluded by law. but their attendance was rare in the fourteenth century, and soon afterwards ceased altogether .

A judicial body composed of the greatest nobles ringress of m France, as well as of learned and emment law- the purediction of the vers, must naturally have soon become politically parament important Notwithstanding their disposition to enhance every royal prerogative as opposed to tendal privileges, the parliament was not disinclined to see its own protection invoked by the subject. It appears by an ordinance of Charles V. in 1371, that the nobility of Languedoc had appealed to the parliament of Paris against a tax imposed by the king's authority, and this, at a time when the French constitution did not recognize the levying of money without consent of the States General, must have been a just ground of appeal, though the present ordinance annuls and overturns it.† During the tempests of Charles VL's unhappy reign, the parliament acquired a more decided authority, and held, in some degree, the balance between the contending factions of Orleans and Burgundy This influence was partly owing to one remarkable function attributed to the parliament, which raised it much above the

t Mably, I . c 5 note 5 Encyclopédie, Art. Parlement,

VOL 1.

CHAP.II. level of a merely political turbunal, and has at va-PART II. rious times wrought striking effects in the French PEUDAL monarchy.

in parlia-

The fewpordinances enacted by kings of France Royaledets in the tweeth and thirteenth centuries were geneenegatived rally by the advice of their royal council, in which probably they were solemnly declared as well as agreed upon. But after the gradual revolution of government, which took away from the feudal aristocracy all controul over the king's edicts, and substituted a new magistracy for the ancient baronial court, these legislative ordinances were commonly drawn up by the interior council, or what we may call the ministry. They were in some instances product gated by the king in parlia-Others were sent thither for registration, or entry upon their records? This formatty was by degrees, if not from the beginning, deemed essential to render them authentic and notorious, and therefore indirectly gave them the sanction and validity of a law.\* Such, at least, appears to have been the received doctrine before the end of the fourteenth century. It has been contended by Mably among other writers, that at so early an epoch, the parliament of Paris did not enjoy, nor even claim to itself that anomalous right of judging the expediency of edicts proceeding from the king, which afterwards so remarkably modified the absoluteness of his power. In the fifteenth century, however, it certainly manifested pretensions of this nature, first by registering ordinances in

Fucvelopedie, Art Parlement

such a manner as to testify its own unwillingness CHAP.H. and disapprobation, of which one instance occurs PART II. as early as 1418, and another in 1443, and, after- FLUDAL wards, by remonstrating against, and delaying the System. registration of laws, which it deemed immical to the public interest. A conspicuous proof of this spirit was riven in their opposition to Louis AI. when repealing the Pragmatic Sanction of his father, an ordinance essential, in their opinion, to the liberties of the Gallican church In this instance they ultimately yielded, but at another time they persisted in a refusal to enlegister letters containing an alienation of the royal domain.\*

The counsellors of parliament were originally counsellors appointed by the king, and they were even of partial appointed changed according to circumstances Charles V. pointed for inc and by made the first alteration, by permitting them to decimal fill up vacancies by election, which usage contimued during the next reign. Charles VII, resumed the nomination of fresh members upon Louis XI even displaced actual coun-But in 1468, from whatever motive, he published a most important ordinance, declaring the presidents and counsellors of parliament immoveable, except in case of legal forfeiture. † This extraordinary measure of conferring independence on a body, which had already displayed a consciousness of its eminent privilege by opposing the registration of his educts, is perhaps to be deemed

<sup>\*</sup> Mably, l. vi ← 5 note 19 and 21 Garnier, Hist de France, † Villaret, t viv p 231 evelopédie, An Parlement ' xvn p 219 380

CHAP.II, a proof of that short-sightedness as to points of PART II. substantial interest, so usually found in crafty EEUDAL men. But, be this as it may, there was formed in system, the parliament of Paris an independent power not emanating from the royal will, nor liable, except through force, to be destroyed by it; which, in later times, became almost the sole depositary, if not of what we should call the love of freedom yet of public spirit and attachment to justice France, so fertile of great men in the sixteenth and seventeenth centuries, might better spare, perhaps, from her annals any class and description of them, than her lawyers. Doubtless the parliament of Paris, with its prejudices and nairow views, its high notions of loyal obedience, so strangely mixed up with remonstrances and resistance, its anomalous privilege of objecting to edicts, hardly approved by the nation who did not participate in it, and overtuined with facility by the king, whenever he thought fit to exert the mnews of his prerogative, was but an inadequate substitute for that co-ordinate sovereignty, that equal concurrence of natural representatives in legislation, which has long been the exclusive pride of our government, and to which the States General of France, in their best days, had never aspired No man of sane understanding would desire to revive institutions, both uncongenial to modern opinions, and to the natural order of society. Yet the name of the parliament of Paris must ever be respectable. It exhibited, upon various occasions, virtues from which human esteem is as inseparable as the shadow from the substance, a severe adhe-

rence to principles, an unaccommodating sincerity, CHAP H. individual disinterestedne and consistency. Whe PART II. ther indeed these qualities have been so generally FEUDAL characteristic of the French people, as to afford no peculiar commendation to the parliament of Paris. it is rather for the observer of the present day, than the historians of past times to decide \*

The principal causes that operated in subvert- (sum of ing the feudal system may be comprehended under of the feu three distinct heads, the mercasing power of the dal system crown, the elevation of the lower ranks, and the decay of the feudal principle

\* The province of Languedo , 10 hats dependences of Query and Rouergue having belonged one of in full sovereignty to the commits of Tordonso, was not purtaps subject to the feed of resort, er appellant purisheren et anv tribunal at Paris Philip the Bold, do als resument to the crown, childrend the parliances or Louloure, a tribonal without appeal, m 1280 This was however suspended from 1291 to 1443, during which interest the parlicion of Paris exercised an appellant purisdiction over Languedoc site, Hist de Lang t is pose-Sovereign courts or jorhamouts were established by Charles VII at foreneble for Dauphine and by Louis XI at Bordeaux and Dijon for Constant and Burgunds. The parliament of Rouen is not so ancient. These institutions rather diminished the resort of the parliament of I'uris, which had extended over Burguidy, and, in time of peace, over (,wenne

A work has appeared within a very few years, which throws an abundant light on the judicial sys-

tem, and indeed off the whole civil polity of Iran c, as well as other countries, during the middle ages Lallade at Lisprit, Origina et Progressies Institut ous judicitaires destime paix pays del l'urope, by M. Meyer, of Amsterdam espe crally the first and third volumes It would be to the fortunate had its publication preseded that of the nest edition of the present work, is I might have rendered this chapter on the feudal avatem to mary respects more perspections tollowers. As it is, without availing most flot M. Meyer alearna grand acuteness to allustrate the obscurity of these researches, or discessing the few questions upon which I might venture, with deferener, to adhere to another opinion, neither of which could conveniently be done on the present occasion, I shall content myself with this go neral reference to a performance of singular difference and ability, which no student of these antiquities should neglect. In all casestial points I am happy not to permiddle agus are far different from my own - Note to the fourth edit

PEUDAL SYSTEM. Acquisitions of power by the crown Augments. tion of the

domain.

CHAP II. It has been my object in the last pages to point out the acquisitions of power by the crown of France in respect of legislative and judicial authority. The principal augmentations of its domain have been historically mentioned in the last chapter, but the subject may here require further notice The French kings naturally acted upon a system, in order to recover those possessions which the improvidence or necessities of the Carlovingian race had suffered almost to fall away from the monarchy. This course, pursued with tolerable steadiness for two or three centuries. restored their effective power. By escheat or forfeiture, by bequest or purchase, by marriage or succession, a number of fiels were merged in their increasing domain \* It was part of their policy

> The word domain is calculated, by a sceming ambiguity, to perplex the reader of I reach history In its pentiary sense, the domain or demosm dominicum; of any proprietor was contined to the lands in his immediate occupation, excluding those of which his temants, whether in hel or villenage, whether for a ceraim estate or at will, had an actual possession, or, in our law-language, pernancy of the profits. Thus the compilers of Domesday-Book distinguish, in every manor, the lands held he the lord in dimesse from those occupied by his vide insorother tenants And, in England, the word, if not technically, yet in use is still confined to this sense But in a secondary acceptation, more usual in France, the domain comprehended all lands for which rent was paid (censives) and which contributed to the regular annual revenue of

the proprietor. The great distant non was between lines in de mesne, and those in fire. A grant or territory, whether by the king of another lord, comprising as wed dominant estates and tributary towns, is fead if superforthes, was expressed to convey ' in dominion quod est in dominico, et in feodo quod est in feodo. Since, there fore, hets, even those of the vavasors or inferior tenantry, were not part of the lord's domain, there is, as I said, an apparent ambiguity in the language of historians, who speak of the reunion of provinces to the myal domain. This amhiguity however is rather apparent than real. When the ducky of Normanily, for example, is said to have been united by Philip Augustus to his domain, we are not, of course, to suppose that the soil of that province became the private estate of the crown. It continued, to obtain possession of arriere-fiefs, and thus to CHAPIL In such PARTIL become tenants of their own barons. cases, the king was obliged, by the feudal duties, HIDAL to perform homage, by proxy, to his subjects, and engage himself to the service of his fief. But, for every political purpose, it is evident that the lord could have no command over so formidable a vassal.

The re-union of so many fiels was attempted to be secured by a legal principle, that the domain was malienable and imprescriptible. This became at length a fundamental maxim in the law of France But it does not seem to be much older than the reign of Philip V. who, in 1318, revoked the alienations of his predecessors, nor was it thoroughly established, even in theory, till the fitteenth century † Alienations, however, were certainly very repugnant to the policy of Philip Augustus and St Louis But there was one species of infeudation, so consonant to ancient usage and prejudice, that it could not be avoided upon any suggestions of policy, this was the investiture of younger princes of the blood with considerable territorial apalages. It is remarkable that the epoch of

as before, in the possession of the Norman barons and their sub-vassals, who had held their estates of the dukes. But it is meant only, that the king of I rance stood exactly in the place of the duke of hormandy, with the same rights of possession over lands absolutely in demeane, of repts and customary payments from the burgesses of towns and tenants in roture or villestinge, and of feudal services from the military vassals. The immediate superiority, and the impredute resort, or paradiction, over these devolved to the crown, and thus the ducky of Normandy, considered as a fiel, was re-united, or more properly merged in the royal domain, though a very small part of the territory neglit become truly domanial

· See a memorial on the acquisition of arrest help by the kings of Irance, in Mem de l'Acad des Inscript t 1 by M Dacier

† Preface au 15me tome des Ordonuances, par M de Pastoret

CHAP II apanages on so great a scale was the reign of St. PART II. Louis, whose efforts were constantly directed FEUDAL against feudal independence. Yet he invested his SYSTEM. brothers with the counties of Poitou, Anjou and Actors, and his sons with those of Clermont and Alencon. This practice, in later times, produced very mischievous consequences

·Under a second class of events that contributed to destroy the spirit of the feudal system, we may reckon the abolition of villenage; the increase of commerce, and consequent opulence of merchants and artizans, and especially the institutions of free cities and boroughs. This is one of the most important and interesting steps in the progress of society during the middle ages, and deserves particular consideration

Free and chartened towns

The provincial cities under the Roman empire enjoyed, as is well known a municipal magistracy and the right of internal regulation not have been repugnant, perhaps, to the spirit of the Frank and Gothic conquerors, to have left them in possession of these privileges. But there seems no satisfactory proof that they were preserved either in France or in Italy,\* or, if they existed at all, they were swept away, in the former country, during the confusion of the ninth century. which ended in the establishment of the feudal

<sup>\*</sup> M. de Brequigny says, that Lyons and Rheims ein trace their own municipal government some centuries higher than the establishment of communes by Loms VI The forms ricity, which indeed was not I winch at that time, never had

a charter of meorporation. Or donnances des Rois, t xi preface, p 4 This preface contains an excellent account of the origin and rivileges of chartered towns an France

system. Every town, except within the royal CHAP II domains, was subject to some lord. In episcopal PART II cities, the bishop possessed a considerable author FELDAL rity; and in many, there was a class of resident SYSTEM. nobility. It is probable, that the proportion of freemen was always greater than in the country; some sort of retail trade, and even of manufacture. must have existed in the rudest of the middle ages, and consequently some little capital was required for their exercise. Nor was it so easy to oppress a collected body, as the scattered and dispirited cultivators of the soil. Probably therefore the condition of the towns was at all times by far the more tolerable servitude, and they might enjoy several immunities by usage, before the date of those charters which give them sanction. In Provence, where the fendal star shone with a less powerful ray, the cities though not independently governed, were more flourishing than the French Marseilles, in the beginning of the twelfth age, was able to equip powerful pavies, and to share in the wars of Genoa and Pisa against the Saracens of Sardinia\*

The earliest charters of community granted to Ladient towns in France have been commonly referred to chatters the time of Louis the Sixth, though it is not im-

des Crossades p 122 to whom I un indebted for other assistance Variette also thinks that the inhabitants of towns in Languedoc were personally tree in the tenth century, though those of the coun tre went in servitude. Hist de Languedoc, Unip 111

<sup>\*</sup> There were more freemen in Provence, says an historian of the country, than in any other part of France, and the revolutions of the monarchy being less felt than else. where, our towns naturally preserved their municipal government I have borrowed this quotation from Heeren, Essai sur l'Influence

CHAP. II. probable, that some cities in the south had a muni-PART IL cipal government by custom, if not by grant, at PRUDAL an earlier period.\* Novon, St. Quentin, Laon. SYSTEM. and Amiens appeared to have been the first that received emancipation at the hands of this prince.

> Ordonnances des Rois, ubi # supra, p. 7. These charters are as old as 1110, but the precise date is unknown.

t The Benedictine historians of Languedoc are of opinion that the city of Nisnes had finine and magustrates even in the moldle of the tenth century, this is 111 llovever the may be the exercise of Narbonne are expressly mentioned in 10%. Appendix p. 66. The burgeres of Carcussons appear by name in a charter of 1107. p. 515 In one of 1101, the consider of Beziers are mentioned, they existed therefore previously p 400 and Appendix, p 050. The magistrates of St. Antonio en Roucrave are named in 11 to those of Montpelier in 1142, of Narborni in 1146, and of St. Gille in 1140 pp 515 432 442 464 The capatouls of Toulouse pretend to an extravagint intoputy, but were in fact established by Alfonso count of Toulouse, who died in 1148 In 11 2, Raymond V confirmed the regulations made by the common council of Toulouse, which became the foundation of the customs of that city p 472

If we may trust altogether to the Assises de Terusalein in their present shape, the court of burgeases having jurisdiction over persons of that rank, was instituted to Codfrey of Bouller, who died 1100 Ass de Jerus c 2 This would be even earlier than the charter of London, granted by Henry I Lord Lyttleton goes so far as to call it "certain, that in England many cities and towns

were hodies corporate and minmumues long before the alteration introduced into I mince by the chargers of Louis le Gros," Hist of Henry II vol 15 p 20 But this position, as I shall more particuladly show in another place is not horne out by any good outhority, if it extends to any notein i pershelon, and mara, ement a their own police, whereof except in the instance of London we have negated before the reign of Hous, H

But the incorporation of communities weams to have been decidelly earlier in Spain than in any other country. Altonso V in 1020, granted a charter to Leon. which is said to mention the conemon council of that city in terms that show it to be an established institution. During the latter part of the eleventh century, as well as in subsequent times, such charters are very frequent Marina, Ensavo Historico-Untico sobre las siete partidas in several instances, we find concessions of smaller privileges to towns, without any political power. This Beringer count of Barcelona, in 1025, confirms to the inhabitants of that city all the franchises which they already possess. These seem however to be confined to exemption from paying rent, and from any jurisdiction below that of an officer deputed by the count De Marca, Marca Hispanica, p. 1038 Another grant occurs in the same volume, p 909 from the bishop of Barcelona in favour of a town of his diocese. By

The chief towns in the royal domains were suc- CHAP II cessively admitted to the same privileges during PARTIL the reigns of Louis VI, Louis VII., and Philip FLUDAL Angustus. This example was gradually followed \$151EM. by the peers and other barons; so that by the end of the thirteenth century, the custom had prevailed over all France It has been sometimes imagined, that the crusades had a material influ- i magnet ence in promoting the erection of communities the interest of Those expeditions would have repaid Europe for the made. the prodigality of crimes and miscries which attended them, if this notion were founded in reality But I confess, that in this, as in most

some mattention, Robertson has quoted these charters as granted to two villages in the county t Hist Charles V note In The charters of Legione and Lenda in 1149 do not conton any armt of purisdiction pr 1 acc

The corporate towns in Trince and England always enjoyed taller privileges, than these Catelonome charters impart. The execut of characteristics of a communi, ac cording to M. Brequigny, were at assertation confirmed by entiter a code of fixed sauctioned customs, and a set of privileges, il ways sucluding municipal, or elective government Ordonnan es, ubi enpra, p 3 A distriction ought however to be pointed out, which is rather hable to clude observation, between communes, or corporate towns, and boroughs

changement. The rean differ ence was that in the latter there was to enclose sovermout, the magistrates being appointed by the king or other suprior. In the possission of twelp is degree and exemptions, in the personal li-bests of their collections, and in the certainty of their legal esages, there was no distration between corporate towns and more by mustis, and indeed it is agreed, that every corporate town was a borough, though every borough was not a corporation. The Iron h antiquity quoted above does not trace these interior commammes or beautifus, higher than the charters of Louis VI But we find the name, and a good deal of the substance, in England under William the Conqueror, as is mainfest from Donasday Book

The preface to the twelfth volume of Ordonnances des Rois contains a full account of bourgeouses as that to the eleventh does of commune. A great part of it however is applicable to both species or rather to the genus and the spe-case. See too that to the fourteenth volume of Recueil des Historieus, p. 74

CHAP II. other respects, their beneficial consequences anpear to me very much evaggerated. The cities of Italy obtained their internal liberties by gradual encroachments, and by the concessions of the Franconian emperors. Those upon the Rhine owed many of their privileges to the same monarchs, whose cause they had espoused in the rebellions of Germany In France, the charters granted by Louis the Fat could hardly be connected with the first crusade, in which the crown had taken no part, and were long prior to the It was not till fifty years afterwards, that the barons seem to have trod in his steps by granting charters to their vassals, and these do not appear to have been particularly related in time to any of the crusades Still less can the corporations, erected by Henry II in England, be ascribed to these holy wars, in which our country had hitherto taken no considerable share

nur in deli berate po

The establishment of chartered towns in France has also been ascribed to deliberate policy " Louis the Gross,' says Robertson, "in order to create some power that might counterbalance those potent vassals who controlled, or gave law to the crown, first adopted the plan of conferring new privileges on the towns situated within his own domain" Yet one does not immediately perceive, what strength the king could acquire by granting these extensive privileges within his own domains, if the great vassals were only weakened, as he asserts afterwards, by following his example. In what sense, besides, can it be meant, that Noyon or Amiens, by obtaining certain CHAP, IL franchises, became a power, that could counter- PARTIL balance the duke of Normandy, or count of FLI DAL Champagne? It is more natural to impute this SISTEM. measure, both in the king and his barons, to their pecuniary exigencies, for we could hardly doubt that their concessions were sold at the highest price, even if the existing charters did not exhibit the fullest proof of it \* It is obvious, however, that the coarser methods of rapine must have grown obsolete, and the rights of the inhabitants of towns to propert? established, before they could enter into any compact with their lord for the purchase of liberty. Guibert, abbot of St. Comm. Nogent, near Laon, relates the establishment of a community in that city with encumstances that,  $\frac{10 \, \text{m}}{1 \, \text{mod}}$ in the main, might probably occur in any other Continual acts of violence and robbery having been committed, which there was no police adequate to prevent, the clergy and principal inhabitants agreed to entranchise the populace for a sum of money, and to bind the whole society by regulations for general security These conditions were gladly accepted, the money was paid, and the leading men swore to maintain the privileges of the inferior freemen The bishop of Laon, who happened to be absent, at first opposed this new institution, but was ultimately induced by money to take a similar oath, and the community was confirmed by the king. Unluckily for

Ordennances des Rois, t xi preface, p. 18 et 50

CHAPIL himself, the bishop afterwards annulled the PART IL charter; when the inhabitants, in despair at see-FEUDAL ing the selves reduced to servitude, rose and SYSTEM. murdered him. This was in 1112, and Guibert s narrative certainly does not support the opinion. that charters of community proceeded from the policy of government. He seems to have looked upon them with the jealousy of a feudal abbot, and blames the bishop of Amiens, for consenting to such an establishment in his city, from which, according to Guibert, many cyils resulted. his sermons, we are told, this abbot used to descant on "those execrable communities, where serfs against law and justice withdraw themselves from the power of their lords. '\*

In some cases they were indebted for success to their own courage and love of liberty ()ppressed by the exactions of their superiors, they had recourse to arms, and united themselves in a common league confirmed by oath, for the sake of redress. One of these associations took place at Mans as early as 1067, and, though it did not produce any charter of privileges, is a proof of the spirit to which ultimately the superior classes were obliged to submit.† Several charters bear witness, that this spirit of resistance was justified by oppression Louis VII. frequently declares the tyranny exercised over the towns to be his motive for enfranchising them Thus the charter

<sup>·</sup> Hist Littéraire de la France, † Recueil des Historiens, t xiv 1 x p 448 Du Cange, voc Com preface, p 66

of Mantes in 1150 is said to be given pro nimia CHAP.IL oppressione pauperum: that of Complegne in 1153, propter enormitates clericorum: that of Pourleus, granted by the count of Pourleu in 1202, propter injurias et molestias a potentibus terme burgensibus frequenter illatas.

The privileges which these towns of France in extent derived from their charters were surprizingly blacker pri extensive, especially if we do not suspect some of them to be merely in confirmation of previous usages. They were made capable of possessing common property, and authorized to use a common seal as the symbol of their incorporation. The more oppressive and ignomimous tokens of subjection, such as the fine paid to the lord for permission to marry their children, were abolished Then payments of rent or tribute were limited both in amount and as to the occasions when they might be demanded, and these were levied by assessors of their own electing. Some obtained an exemption from assisting their lord in war, others were only bound to follow him when he personally commanded; and almost all limited their service to one, or at the utmost very few days were persuaded to extend its duration, it was, like that of feudal tenants, at the cost of their superior. Their customs, as to succession and other matters of private right, were reduced to certainty, and, for the most part, laid down in the charter of incorporation. And the observation of these was

<sup>\*</sup> Delounances des Rois, t xi préface, p 17

SYSTEM.

CHAP, II. secured by the most valuable privilege which the PARTIL chartered towns obtained:, that of exemption PRUDAL from the jurisdiction, as well of the royal, as the territorial judges. They were subject only to that of magistrates, either wholly elected by themselves, or in some places, with a greater or less participation of choice in the lord. They were empowered to make special rules, or, as we call them, bye-laws, so as not to contravene the provisions of their charter, or the ordinances of the king.

Connexion of free LOWIS WITH the lung

It was undoubtedly far from the intention of those barons who conferred such immunities upon their subjects, to relinquish their own superiority, and rights not expressly conceded. But a remarkable change took place in the beginning of the thirteenth century, which affected, in a high degree, the feudal constitution of France Towns. distrustful of their lord's fidelity, sometimes called in the king as guarantee of his engagements. The first stage of royal interference led to a more extensive measure. Philip Augustus granted letters of safe-guard to communities dependent upon the barons, assuring to them his own protection and patronage. | And this was followed up so quickly by the court, if we believe some writers, that in the next reign, Louis VIII pretended to the immediate sovereignty over all

Ordonnances des Rois, préfaces aux tenses xi et xii Du Cange, voc. Communis, Hostu Carpentier, Suppl. ad Dit Cange,

Mably, Observations v Hostus sur l'Hist. de France, I Ai. c. 7 + Mably, ibid

chartered towns, in exclusion of their original CHAP.II lords.\* Nothing, perhaps, had so decisive an PARTIL effect in subverting the feudal aristocracy. The FELDAL barons perceived too late, that for a price long STATEM. since lavished in produgal magnificence, or useless warfare, they had suffered the source of their wealth to be diverted, and the nerves st their strength to be severed. The government prudently respected the privileges secured by charter. .Philip the Long established an officer in all large towns to preserve peace by an armed police, but, though subject to the orders of the crown, he was elected by the burgesses, and they took a mutual oath of fidelity to each other. Thus shielded under the king's mantle, they ventured to encroach upon the neighbouring lords, and to retaliate for the long oppression of the commonalty 1 Every citi-

\* Reputabet civitates omnes st is ease, in quiling communiar esunt. I mention this in deference to Du Cange, Mably, and others, who assume the fact as incontrovertible, but the passage is only in a monkish chronicler, whose utbor f, were it even more ex plicit, would not weigh much in a matter of law Resumanor, however, mxty years afterwards, lavs it down, that no one can erect a commune without the king's conment c 50 p. 268 And this was an unquestionable maxim in the fourteenth century. Ordonnances,

t zi p 29 † In the charter of Philip Augustus to the town of Roye in Pirardy, we read. If any stranger, whether noble or villem, commits a wrong against the town, the mayor shall summon him to an-

swer for it, and it he does not obey the dummons, the mayor and inhabitants may go and destroy his house, in which we the king) will lend them our assistance, if the house be too strong for the burgesses to pull down except the case of one of our vastals, whose house shall not be destroyed, but he shall not be allowed to enter the town, till be has made amends at the discretion of the mayor and jurats Ordonnances des Rom, t xi p 328 This summary process could only, as I conceive. be employed, if the house was situated within the jurisdiction of the commune See charter of Creepy, id p 253 In other cases, the application for redress was to be made in the first instance to the lord of the territory wherein the delinquent resided. But upon her

FEL DAI SYSIFM

CHAP II. zen was bound by oath to stand by the common cause against all aggressors, and this obligation was abundantly fulfilled In order to swell their numbers, it became the practice to admit all who came to reside within their walls to the rights of burghership, even though they were villeins appurtenant to the soil of a master, from whom they had escaped.\* Others, having obtained the same privileges, continued to dwell in the country but, upon any dispute with their lords, called in. the assistance of their community. Philip the Fan, erecting certain communes in Languedoc gave to any who would declare on oath that he was aggrieved by the lord or his officers, the right of being admitted a burgess of the next town, upon paying one mark of silver to the king, and purchasing a tenement of a definite value. But the neglect of this condition, and several other abuses are enumerated in an instrument of Charles V. redressing the complaints made by the nobility and

> failing to ent ree satisfaction, the mayor and pirat might satisfy themselves, heest justitum quarere, prout poterunt, that is, misht pull down his house of rounded they could Malay positively maintains the communes to have had the night of levying war 1 m e 7 And Brequigns seems to comeric with him Ordonn mees, preface, p 46 Ne also Hist di Lingue-doc, t in p 11) The trutury of a commune was called Pax, up. 185) un expressio word

> One of the most remarkable privileges of chartered towns was that of countring freedom on runaway serfs, if they were not re-

of mode by their matters within a certain time. This was a price general law, Sequismentous quete to common an our etcomments in inaliqua villa privilegiata manserit na quod in coroni communem gyldam tangu meery, receptus fue rit, co ips ca villenagio liberabitur Chanvilly us. The concessor Languedoch id the same privilere Varsette, t m p 528 530 And the olitor of the Ordonnances speaks of it as general, p. 44 similar custom was established in Germany, but the term of preactiption was, in some places at icast, much longer than a year and aday Pfeffel, tip 294

rich ecclesiastics of the neighbourhood . In his CHAP II reign, the feudal independence had so completely PARTH vielded, that the court began to give into a new FELDAL policy, which was ever after pursued, that of maintaining the dignity and privileges of the noble class against those attacks which wealth and liberty encouraged the plebeians to make, upon them

The maritime towns of the south of France Manufacture of the south of the so · entered into separate alliances with foreign states, i.e. who as Narbonne with Genox in 1166, and Montpelier Pentent in the next continy At the death of Raymond VII Avignon, Ailes and Marseilles affected to set up republican governments, but they were soon brought into subjection ! The independent character of maritime towns was not peculiar to those of the southern provinces Edward II and Edward III negociated, and entered into alliances with the towns of Planders, to which neither their count, nor the king of France were parties.! Even so late as the reign of Louis XI, the duke of Burgundy did not hesitate to address the citizens of Rouen, in consequence of the capture of some ships, as if they had formed an independent state.§ This evidently arose out of the ancient customs of private warfare, which, long after they were repressed by a stricter police at home, continued with lawless violence on the ocean, and gave a

<sup>&</sup>quot; Martenne, Thesaur Anerd t p 1 - 4 5 † Vellv, t 1 v p 446 t v p 67

<sup>!</sup> Remer Cie passim Coarmer, t avn p 396

CHAP II \character of piracy to the commercial enterprize PART II. of the middle ages.

FEUDAL SYSTEM. Military

Military service of tendal tenants commuted for money

Notwithstanding the forces which in opposite directions assailed the feudal system, from the enhancement of royal prerogative, and the elevation of the chartered towns, its resistance would have been much longer, but for an intrinsic decay political institution can endure, which does not rivet itself to the hearts of men, by ancient prejudice, or acknowledged interest. The feudal compact had originally much of this character. principle of vitality was warm and active. filling the obligations of mutual assistance and fidelity by military service, the energies of friendship were awakened, and the ties of moral sympathy superadded to those of positive compact While private wars were at their height, the connexion of lord and vassal grew close and cordial. in proportion to the keenness of their enmity towards others. It was not the object of a baron to disgust and impoverish his vavassors by enhancing the profits of seigmory, for there was no rent of such price as blood, nor any labour so serviceable as that of the sword.

But the nature of feudal obligation was far better adapted to the partial quarrels of neighbouring lords than to the wars of kingdoms. Customs, founded upon the poverty of the smaller gentry, had limited their martial duties to a period never exceeding forty days, and diminished according to the subdivisions of the fief. They could undertake an expedition, but not a campaign, they could

burn an open town, but had seldom leisure to CHAP.II. besiege a fortress. Hence, when the kings of PART II. France and England were engaged in wars, which, FFLDAL on our side at least, might be termed national, the mefficiency of the feudal militia became evident. It was not easy to employ the military tenants of England upon the frontiers of Normandy and the, Isle of France, within the limits of their term of service. When under Henry II and Richard I. the scene of war was frequently transferred to the Garonne or the Charente, this was still more impracticable. The first remedy to which sovereigns had recourse, was to keep their vassals in service after the expiration of their forty days, at a stipulated rate of pay.\* But this was frequently neither convenient to the tenant, anxious to return back to his household, nor to the king, who could not readily defray the charges of an army t Something was to be devised more adequate to the exigency, though less suitable to the feudal spirit By the feudal law, the nef was, in strictness, forfeited by neglect of attendance upon the lord's expedition. A milder usage introduced a fine, which, however, was generally rather heavy, and assessed at discretion. An instance of this kind has been noticed in an earlier part of the present

at the sage of Avignon in 1226, Theobald count of Champagne retired with his trapps that he might not promote the king's designs upon Lauguedoc At that of Augers in 12 o, nearly the same thing occurred. M. Paris, p. 308

<sup>\*</sup> Du Cange, et Carpentier, 100 Hostis

<sup>†</sup> There are several instances, where armies broke up, at the exptration of their limited term of service, in consequence of disagreement with the sovereign Thus

PART II FFI'DAL.

CHAP II, chapter, from the muster-roll of Philip the Bold s expedition against the count de Foix. Norman kings of England made these amercements SYSTEM. very oppressive But when a pecuniary payment became the regular course of redeeming personal service, which, under the name of escuage may be referred to the reign of Henry II, it was essential to liberty, that the military tenant should not be at the mercy of the crown \* Accordingly, one of the most important provisions contained in the Magna Charta of John, secures the assessment of cseuage in parliament This is not renewed in the charter of Henry III, but the practice during his reign was conformable to its spirit.

> The feudal military tenures had superseded that earlier system of public defence, which called upon every man, and especially every land-holder, to protect his country. The relations of a vassal

. Madex, Hist of Exchanging, e 16 conceres that even us may have been levied by Henry I, the carliest mention of it, however, in a record, as under Henry II in 1159 Extilcton's Hist of Henry II volus pat

† I very citizen, however extensive may be his privileges, is raturally bound to regel invision. common rising of the people in arms, though not always the most convenient most of resistance, is one to which all governments have a right to resort. Volumus, acce-Charles the Buld of empiseunque nostrum homo, in conscumque regno sit, cum semore auo in hostem, vel alus suis utilitatibus pergat, nisi talis regni ilisasio quam Lanturer dicunt, (quod abut meident, at omnis populas idias regni ad same repotten lam communiter IN COAL Bilturi Capitolaria, Ett p 44 This very amount mention of the Lordnehe, or insurrectional militia, so signally cilled forth in the present age, will strike the reader. The obligation of bearing arms in defensive war was necuharly in umbent on the freeholder. or alodialist. It made part of the trinola necessitas, in Lingland, erroneously confounded by some writers with a feudal military tenure. But when these latter tenures became nearly universal, the original propriets of public defince were almost obliterated, and I know not how far alodial proprietors where they existed, we re called upon for service. Aings did not

came in place of those of a subject and a citizen CHAP II This was the revolution of the ninth century. the twelfth and thirteenth, another innovation HIDAL rather more gradually prevailed, and marks the third period in the nilitary history of Europe. Mercenary troops were substituted for the feudal India militia. Undoubtedly there could never have been maint time, when valour was not to be purchased with hours money, nor could any employment of surplus wealth be more natural either to the ambitious or the weak. But we cannot expect to find numerous testimonies of facts of this description \* In public national history. Lam aware of no instance of what

the continues dispulse of the continues of the continues the continues of 1 towns of be he than prosts who much at to a base for our large earlier. to may or amound them, to be In the charters of meory oration which how proceed the public of traps required was estable The section of the Timessed edantes of the French arms . perhat more manicious than forand dicto area my la no war I the same prince with the empefor Henry V aid the population of the frontier provinces was called out for the north of the countries of Rheims and Chaions is said to have amounted to sixty the said men Philip IV summand one test solds rforevery twenty he cribs to take the field after the battle of Courtras Daniel, Hist de la Milice Française Velly, Ciri p "2 t vn p 287 ) Commissions of array, either to call out the whole population, or, as was more

constron, to send the most no or 25 by fered inpresentati a car ar Lughen need is from the against land Commistan and there are i vera wins deseted to the ta licps#er cricia. Hem to causi of coloristical promise to be cravel and a modern a count of in expected invision. Rymer, 1 21 p 720 (4) I III t v i p 102 (1 R II ) nd ( vm. ) 270 CH IV

. The profession the cleventh column of Record dev H somens. p 2/2 notices by word scidarit, for bond subbots as early as 1030. It was for ably urusual at that time though its Royer Hoveden. Ordericus Vitalis, and other writers of the twelith century, it occurs not very unfrequents. We may perhaps conjecture the abbots, as both the richest and the most defenceless, to have been the first who would themselves of mercenary val sur

BYSTEM

CHAP II, may be called a regular army, (unless we consider PART II. the Antrustions of the Merovingian kings as such, PENDAL more ancient than the body guards, or huscarles. of Canute the Great. These select troops amounted to six thousand men, on whom he probably relied to ensure the subjection of England. A code of martial law compiled for their regulation is extant in substance, and they are reported to have displayed a military spirit of mutual union, of which their master stood in awe . Harold II. is also said to have had Danish soldiers in pay. But the most eminent example in that age of a mercenary army is that by whose assistance William achieved the conquest of England Historians concur in representing this force to have consisted of sixty thousand men. He afterwards hired soldiers from various regions to resist an invasion from Norway William Rufus pursued the same course. Hired

> \* For these facts, of which I remember to ment on in English hustory, I am indebted to the Danish collection of Langelsk, Scriptores Rerum Danicamm Mrdu Avi. Though the Leges Cas-trenses Court Magni, published by him, this political are not in their original statutory form, they proceed from the pen of Sweno, the earliest Danish historian, who lived under Waldemer I , less than a century and a half ofter 4 anute I apply the word I uscarle, familiar in Anglo-Savon documents, to these military retains in on the authority of Laugebek in abother place, t in p. 454 The object of Camute's institutions was to produce an uniformity of discipline and conduct among his soldiers, and thus

to suparate them more decidedly from the people. They were dis-tinguished by their dress and golden ornaments. Their manners towards each other were regulated, quarrels and abusive words subjected to a penalty. All disjutes, even respecting lands, were wittled amona themselves at their general parliament. A singular story is told, which, if false, may still illustrate the traditionary character of these guards that Countr having killed one of their body in a fit of anger, it was debated whether the king should incur the legal penalty of death, and this was only compromised by his kneeling on a cushion before the assembly, and awaiting their permission to rise t u. p 150

troops did not, however, in general form a consi- CHAP.II. derable portion of armies, till the wars of Henry PART II. Il and Philip Augustus. Each of these monarchs HUDAL took into pay large bodies of mercenanes, chiefly. as we may infer from their appellation of Brabancons, enlisted from the Netherlands. These were always disbanded on cessation of hostilities; and unfit for any habits but of idleness and licence. oppressed the peasantry and ravaged the country without controul. But their soldier-like principles of indiscriminate obedience, still more than their courage and field-discipline, rendered them dear to kings, who dreaded the free spirit of a feudal army. It was by such a foreign force, that John saw himself on the point of abrogating the Great Charter, and reduced his barons to the necessity of tendering the kingdom to a prince of France.\*

It now became manifest, that the probabilities of war inclined to the party, who could take the field with selected and experienced soldiers. The command of money was the command of armed hirelings, more sure and steady in battle, as we must confess with shame, than the patriot citizen Though the nobility still composed in a great degree the strength of an army, yet they served in a new character, their animating spirit was that of chivalry, rather than of feudal tenure, their connexion with a superior was personal, rather than territorial. The crusades had probably a material tendency to effectuate this revolution, by substi-

PEUDAI SYSTEM

CHAP II. tuting, what was inevitable in those expeditions. a voluntary stipendiary service for one of absolute obligation.\* It is the opinion of Daniel, that in the thirteenth century all fendal tenants received pay, even during their prescribed term of service t This does not appear consonant to the law of nets yet their poverty may often have rendered it impossible to defray the cost of equipment on distant expeditions 1 large proportion of the expense must in all cases have fallen upon the lord, and hence that perpetually increasing taxation, the effects whereof we have lately been investigating

> A feudal army, however, composed of all tenants in chief and their vassals, still presented a formidable array. It is very long before the paradox is generally admitted, that numbers do not necessarily contribute to the intrinsic efficiency of armies Philip IV, assembled a great force by publishing the arriere-ban, or feudal summons, for his unhappy expedition against the Flemings A small and more disciplined body of troops would not, probably, have met with the discomfiture of Courtray. Edward I. and Edward II frequently

In reath, in several passages, intimates that most of the knights strong in St. Loois consade received pay, either from their supenor lard, if he was on the expedition, or from some other into whose service they entered for the time. He act out binealt with ten knights, whom he afterwards found it difficult chough to maintain Collection des Memoires, 1-1 p. 40 and this 5 53

<sup>†</sup> Hot de la Milier Française,

The use of mercenary trients previoled much in Germany during the thirteenth century Schoods, t w p 8 1 In Italy, it was also very common, though its general adoption is to be releared to the commencement of the succeeding

called upon those who owed military service, in CHAP II their invasions of Scotland \* But in the French PARTII wars of Edward III. the whole, I think, of his FILDAL army served for pay, and was raised by contract SSLEN with men of rank and influence, who received wages for every soldier according to his station and the arms he bore. The rate of pay was so remarkably high, that, unless we imagine a vast profit to have been intended for the contractors, the private lancers and even archers must have been chiefly taken from the middling classes, the smaller gentry. or rich yeomanry, of England ! This part of Edward's military system was probably a leading cause of his superiority over the French, among whom the feudal tenantry were called into the held, and swelled then unwieldy armies at Creey and Portiers Both parties, however, in this war employed mercenary troops Philip, had 15,000 Italian cross-bow-men at Creev. It had for some time before become the trade of soldiers of fortune, to enlist under leaders of the same description as themselves in companies of adventure, passing from one service to another, unconcerned as to the

 Rymer 1 iii p 173 14+ 144 et alibi sæjons

en foot, ad , for Welslamen, 2d Dasc sums, multiplied by about 24, to bring them on a level with the present value of money, will show the pay to have been extremely high. The cavalry, of course, turnished themselves with horses and equipments, is well as arms, which were very expensive Section Chap I proton of this volu ne

<sup>†</sup> Many proofs of this to iv be adduced from Rymer a Collection The following is from Brady's History of Figlind, vol it Appendix, p 86. The wages allowed by contract, in 1346, were for an earl, or "d. per day, for barons and banberets, 4s , for knights, 2s , for squires, is for archers and hole lens light cavalry), od , for archire

PÉUDAL SYSTEM

CHAP. II cause in which they were retained. These mile-PART II. tary adventurers played a more remarkable part in Italy than in France, though not a little troublesome to the latter country The feudal tenures had at least furnished a loyal native militia, whose duties, though much limited in extent, were defined by usage, and enforced by principle gave place in an evil hour for the people, and eventually for sovereigns, to contracts with mutinous hirelings, frequently strangers, whose valour in the day of battle inadequately redeemed their had faith and vexatious rapacity. France, in her calamitous period under Charles VI and Charles VII. experienced the full effects of military licentiousness At the expulsion of the English, rob-

Fatablishment of a by ( barles VII

bery and disorder were substituted for the more specious plundering of war. Perhaps few mearegularforce sures have ever been more popular, as few certainly have been more politic, than the establishment of regular companies of troops by an ordinance of Charles VII. in 1444 \* These may justly pass for the first example of a standing army in Europe, though some Italian princes had retained troops constantly in their pay, but prospectively to hostilities, which were seldom long intermitted. Fifteen companies were composed each of a hundred men at arms, or lancers, and, in the language of that age, the whole body was one- thousand five hundred lances.

<sup>\*</sup> The estates at Orleans in 1439 nance. Ordonnances des Ross, t had advised this measure, as is rexii. p 312 cited in the preumble of the ordi-

lancer had three archers, a coutiller, or soldier CHAP.H armed with a knife, and a page or valet attached PART II. to him, all serving on horseback; so that the fit- HIDAL teen companies amounted to nine thousand ca- sistem. valry.\* From these small beginnings, as they must appear in modern times, arose the regular army of France, which every succeeding king was solicitous to augment. The ban was sometimes convoked, that is, the possessors of fiefs were called upon for military service in subsequent ages, but with more of ostentation, than real efficiency.

The feudal compact, thus deprived of its original Dear of efficacy, soon lost the respect and attachment coles which had attended it. Homage and investiture became unmeaning ceremonies, the incidents of relief and aid were felt as burthensome exactions And indeed the rapacity with which these were levied, especially by our Norman sovereigns and their barons, was of itself sufficient to extinguish all the generous feelings of vassalage galled, as it were, by the armour which he was compelled to wear, but not to use, the military tenant of England looked no longer with contempt upon the owner of land in socage, who held his estate with almost the immunities of an alodial But the profits which the crown proprietor. reaped from wardships, and perhaps the prejudices of lawyers, prevented the abolition of military

Daniel, Hist de la Milice Française, p 260 Villaret, Hist de France, t xv p 304

FEUDAL SYSTEM

CHAP II tenures till the restoration of Charles II France, the fiefs of noblemen were very unjustly exempted from all territorial taxation, though the tailles of later times had, strictly speaking, only superseded the aids to which they had been always hable. This distinction, it is well known was not annihilated till that event which annihilated all distinctions, the French revolution

> It is remarkable, that, although the feudal system established in England upon the conquest, broke in very much upon our ancient Saxon liberties, though it was attended with harsher servitudes than in any other country, particularly those two intolerable burthers, wardship and marriage, yet it has in general been treated with more favour by English than French writers bardiness with which the ancient barous resisted their sovereign, and the noble struggles which they made for civil liberty, especially in that Great Charter, the basement at least, it not the foundation, of our free constitution, have met with a kindred sympathy in the bosons of Englishmen, while from an opposite feeling, the French have been shocked at that aristociatic independence, which cramped the prerogatives, and obscured the lustre, of their crown. Yet it is precisely to this feudal policy, that France is indebted for that which is ever dearest to her children, their national splendour and power That kingdom would have been irretrievably dismembered in the tenth century, if the laws of feudal dependence had not preserved its integrity. Empires of un-

wieldy bulk, like that of Charleinagne, have se- Chap ii veral times been dissolved by the insurpation of PARTII provincial governors, as is recorded both in ancient HI DAT history and in that of the Mahometan dynasties System What question can there be, that the in the east powerful dukes of Guienne or counts of Toulouse would have thrown off all connexion with the crown of France, when usurped by one of their equals, if the slight dependence of vassalage had not been substituted for legitimate subjection to a sovereign 🔧

It is the previous state of society under the grand-children of Charlemagne, which we must always keep in mind, if we would appreciate the effects of the feudal system upon the welfare of mankind. The institutions of the eleventh century must be compared with those of the ninth, not with the advanced civilization of modern It the view that I have taken of those dark ages is correct, the state of anarchy, which we usually term feudal, was the natural result of a vast and barbarous empire feebly administered, and the cause, rather than effect of the general establishment of feudal tennies by preserving the mutual relations of the whole, kept alive the feeling of a common country and common duties, and settled, after the lapse of ages, into the free constitution of England, the hrm monarchy of France, and the federal union of Germany.

The utility of any form of polity may be esti- General so oated, by its effect upon national greatness and advantages PEUDAL

the femilal

CHAP II security, upon civil liberty and private rights. upon the tranquillity and order of society, upon the increase and diffusion of wealth, or upon the general tone of moral sentiment and energy. The and colore- feudal constitution was certainly, as has been observed already, little adapted for the defence of a mighty kingdom, far less for schemes of conquest But as it prevailed alike in several adjacent countries, none had any thing to fear from the military superiority of its neighbours this mefficiency of the feudal militia, perhaps, that saved Europe during the middle ages from the danger of universal monarchy In times, when princes had little notion of confederacies for mutual protection, it is hard to say, what might not have been the successes of an Otho the Great, a Frederic Barbarossa, or a Philip Augustus, if they could have wielded the whole force of their subrects whenever then ambition required empire equally extensive with that of Charle magne, and supported by inhitary despotism, had been formed about the twelith or thirteenth centuries, the seeds of commerce and liberty, just then beginning to shoot, would have perished and Europe, reduced to a barbarous servitude, might have fallen before the free barbarians of Tartary

> If we look at the feudal polity as a scheme of civil freedom, it bears a noble countenance. the feudal law it is owing, that the very names of right and privilege were not swept away, as in Asia, by the desolating hand of power. The

tyranny which, on every favourable moment, was chap it breaking through all barriers, would have noted PARTH without controll, it, when the people were poor HUDAT and disunited, the nobility had not been brave and So far as the sphere of feudality extended, it diffused the spirit of liberty, and the notions of private right. Every one, I think, will acknowledge this, who considers the limitations of the services of vassilage, so cautiously marked in those law-books which are the records of customs. the recuprocity of obligation between the lord and his tenant, the consent required to the incipare of a legislative or a general nating the scennik above all, which every vassal for nd in the admiinstration of justice by his peers, and even we may in this sense say in the trial by combat, The bulk of the people it is trie, were degraded by servifude, but this had no connection with the tendal tenures

In ages where not cre untell, it water wars the peace and good order promoted by this system did not originate in the fee realize of S, it is imposible to doubt, that the ven subscriptionated by so convenient an institut it is still a indeed owed its universal establishmd perman other cause as predominant hairal viewarfare are totally irreconcileable with thency of industry, not increly by the immediate we is not destruction which render its efforts unavairing, but through that contempt of peaceful occi pations which they produce, the feudal system must have been intrinsically adverse to the accumulation of wealth, and the improve-

CHAP II ment of those arts, which mitigate the evils or PARI II. abridge the labours of mankind.

FEUDAL SYSTEM

But as the school of moral discipline, the feudal institutions were perhaps most to be valued ciety had sunk, for several centuries after the dissolution of the Roman empire, into a condition of utter depravity, where, if any vices could be 'selected as more emmently characteristic than others, they were falsehood, treachery, and ingrati-In slowly purging off the lees of this extreme corruption, the fendal spirit exerted its amelizatope affaence Violation of faith stood tunger of universauc of crimes, most repugnant to princes by  $t_{th}$  of a feudal tenure, most severely tual  $t_{th}$  in  $t_{tt}$  enged, most branded by general t tual  $th_{tr} \frac{m}{v_{tr}} th_{tr}$  enged, most orange t has  $u_{trd} \frac{m}{v_{tr}} t_{res}$  udal law-books breathe throughhas and promptly consulted to promote, a keener work of a spin of L calculated to promote, a keener work of the spin of L calculated to promote, a keener work of the spin of L calculated to promote, a keener work of the spin of L calculated to promote, a keener work of the spin of cours  $V_{R} \stackrel{\text{res}}{\sim} P_{H_{C}} \stackrel{\text{res}}{\sim} P_{H_{C}}$  peers  $V_{R_{C}} \stackrel{\text{res}}{\sim} Of \stackrel{\text{res}}{\sim} P_{H_{C}} \stackrel{\text{res}}{\sim} P_{H_{C$ peers  $\frac{p_{HH}}{s_0}$  of  $h_{O_0}$  neter prior of morar as a feeling  $\frac{of}{s_0} \frac{Ju_{IS}d_{I_0}}{Ju_{IS}d_{I_0}} ds$ . And as the judgement season and the feeling  $\frac{of}{s_0} \frac{Ju_{IS}d_{I_0}}{Ju_{I_0}} ds$ . these great points of commenty and justice, except through the tempo shoot, weess of crimes, or the want of a definite stad to a baright, they gradually recovered themselves, wee the # precluded the one, a reciprocal services and supplied the other has of lord and vassal, there wohe ample scope for every magnanimous and disconterested energy The heart of man, when placed an circumstances which have a tendency to excite theem, will seldom No occasions be deficient in such sentiments. could be more favourable, the in the protection of a

faithful supporter, or the defence of a beneficent CHAP II suzeram, against such powerful aggression, as left PART IL little prospect except of sharing in his ruin

FEUDAL

From these feelings engendered by the feudal BISTEM relation has sprung up the peculiar sentiment of personal reverence and attachment towards a sovereign, which we denominate loyalty, alike distinguishable from the stupid devotion of eastern? slaves, and from the abstract respect with which free citizens regard then chief magistrate who had been used to swear fealty, to profess subjection, to follow, at home and in the field, a tendal superior and his family, casily/transferred the same allegiance to the monarch . It was a very powerful feeling, which could make the brayest man put up with slights and ill treatment at the hands of their sovereign, or call forth all the energies of disinterested exertion whom they never saw, and in whose character there was nothing to esteem. In agrs when the rights of the community were unfell, this sentiment was one great preservative of society, and, though collateral or even subservient to more enlarged principles, it is still indispensable to the tranquillity and permanence of every mo-In a moral view, loyalty has scarcely perhaps less tendency to refine and elevate the heart than patriotism atself, and holds a middle place in the scale of human motives, as they ascend from the grosser inducements of self-interest, to the furtherance of general happiness and conformity to the purposes of Infinite Wisdom

## CHAPTER III

THE HISTORY OF ITALY, FROM THE ENTINCTION OF THE CARLOVINGIAN EMPERORS TO THE INVASION OF NAPLES BY CHARLES VIII

## PART I

State of Italy after the death of Charles the Fat Coronation of Otho the Great-State of Rome—Conrad II—Union of the Kingdom of Italy with the I impre—F stablishment of the Normans in Naples and Swip-Rozer Gravard. Rise of the I ombard Cities—They gradually become more codepended of the Empire—Their Internal Wars—Frederic Buch violation—Ibe traction of Milan-I imbard I eague—Buttle of the Frederic of Great and Ghibelin Factions—Othor?—Frederic II—Triviagionent of the Italian Represenses—Second I ombard Wars—I structure of the Italian Represenses—Second I ombard Wars—I structure of the Italian Represenses of the Success of I imbard Republics—Thous Prosperity—and Forms of Government—Contentions between the Nobility and People—Curl Wars—Story of Governant de Vernage.

CHAP HI PARTI. At the death of Charles the Fat in 888, that part of Italy which acknowledged the supremacy of

ITALY.

State of
Italy at the
end of the
Builth century

The authorities upon which this chapter is founded, and which do not always appear at the tool of the page, are chiefly the following 1 Murator's Annals of Italy twelve volumes in 4to or

eightern in 800; comprehend a summar of its listory from the summar of its listory from the beginning of the Christian era to the peace of Aix la Chapelle. The volumes relating to the middle ages, into which he has digested the ori

the western empire was divided, like France and Germany, among a few powerful vassals, heredi-

CHAP III PART I

ginal writers contained in his great collection, Scriptores Rerum Itahearung are by much the best, and of these, the part which ratends from the seventh or sighth to the end of the twelfth century is the fullest and most useful. Muratorie accuracy is negotieral dimost implicitly to be trus of, and his plain not grity speaks in all his writings, but his mind was not philosophical enough to discrimiis to the who it from the chaff, and he habits of life induced him to mores an importance to the dates of diponers and other inconsiderable matters. His narrative presents a more skeleton devoid of paids, and Leides its mich rable andity, it I though under that confusion which is moretache notigical are no meretratically corrent and redepend at events 2 Ph must always prefer historia si ca Italian Artique tis bother incoming may be consigured order as one or two works. In Latin, they tam six velomes ar fedro, enriched with a great number of original door. Die Die In Italian, they are freely translated by Muraturi himselt, altridged, no doubt, and without most of the original instruments, but well furnished with quotations, and abundantly sufficient for most purposes. They form three to lumes in quarto. I have in general ou and only the number of the dissertation, on account of the variance between the Lin and Italian works in cases where the page is referred to, I have industed, by the title, which of the two I intend to youth it 5t Marc, a learned and laborious Frenchman. has written a chronological abridge

ment of Italian history somewhat in the manner of Henault, but so strance vide ided by several parallel columns in cers page, that I could hardly name a book more meon ement to the feeder. His knowledge, like Mighnon , kee i ट ने बैस्ती क इस्ताई के प्रकार inquiry, and he is chiefly to be valued in 1006 listent history The work discends only to the unrecenth century 4 Denoises Recolational Data originally published in 176% is a per picace is and hield book, ne stack to give cipal circumstators on well-so Icited It is not join up from from errors activity and still less from those of agamon last, till lately, I do not know hear what source a general acquimetrice with the history of Italy could have been so cardly ferived to The publication of M, 5 smoodes Historicales Republiques Italien nes has thrown a blancel ught cound the most interesting, at buston many respects, of Luropean countries during the nadelic ages I am happe to be ir witness, so fai as my own sudnething enabled ne to the learning and I become of this writer qualities which the world is a metine rape not to supi or where they perceives much coquence and phinosophy. I caunot express my opinion of M. Sismondi in the respect more strongly than he enough that his work has almost supervided the smeats of Murators. I no in from the twelfth century, below which period to labour hardly begins. Though doubtless not more accurate than Murators, he has conted search is soon domina batter of nutbors and, considered as a

CHAP
III
F (RT I

tary governors of provinces. The principal of these were the dukes of Spoleto and Tuscany, the marquises of Ivrea, Susa, and Frinh. The great Lombard duchy of Benevento, which had stood against the arms of Charlemagne, and comprised more than half the present kingdom of Naples, had now tallen into decay, and was straitened by the Grecks in Apulia, and by the principalities of Capua and Salerno, which had been severed from its own territory, on the opposite coast. Though princes of the Carlovingian line continued to reign in France, their character was teachittle distinguished to challenge the obedience of Italy,

And in the fact of the table

register of taits alone, he history is incomparily more useful These are combined in so skilful a manner, as to diminish in agreat degree, that interituble continuon which after from frequency of transition, and want of general unity. It is much to be received. that from too redund out details of unnecessary circumstances and sometimes, if I may take the liberty of saying so, from unmoredary reflections. M. Sismondi has run into a profixits which will probably intimidate the languid It is the students of our age more to be regretted, because the History of Italian Republics is calculated to produce a good far more important than storing the memory with historical tiets, that of communicating to the reader bosom some sparks of the digit had philosophy, the lose for truth and virtue, which lives along its eloquent pages 6 fo Muratora's collection of original writers, the Scriptores Birum Italicanim, in twenty four volumes in folio I

have paid considerable affentions pathage there is no solume of R. which I have not more or less crusulted. But, after the annals of the same write, and the work of M. Signately, I have not thought myself board to repeat claboranes searchante di the difference upon who is those written depend. The uture for the most part. Opens. the original titl continuorate author, consists his measuriaming note thets, then is acquiring that insight into the spirit and temper of their times, which it is utterly improto the life to any compiler to impart. It would be inpossible for me to distinguish what information I have dirived from these higher sources, in cases, therefore, where no permeular authority is maned. I would refer to the writings of Murators and Sismondi, especially the latter, as the substratum of the following chapter

<sup>6</sup> (nannone, Istoria Civile di Napoli, I vii Namondi, Hist des Republiques Imbennes, t. i. p. 244

already beparated by family partitions from the Transalpine nations, and the only contest was among her native chiefs. One of these, Berenger, originally marquis of Friuli, or the March of Treviso, reigned for thirty-six years, but with continually disputed pretensions, and after his death. the calamities of Italy were sometimes aggravated by tyranny, and sometimes by intestine war. The Hungarians desolated Lombardy, the southern · coasts were infested by the Saracens, now masters Plunged in an abyss, from which she saw no other means of extricating herself, Italy lost sight of her favourite independence, and called in the assistance of Otho the First, king of Germany. Little opposition was made to this powerful monarch Berenger II, the reigning sovereign of Italy, submitted to hold the kingdom of him as a ficf \* But some years afterwards, new disturbances arising. Otho descended from othe the the Alps a second time, deposed Berenger, and treat received at the hands of Pope John XII the imperial dignity, which had been suspended for nearly forty years

PARIT IT ALY

Every ancient prejudice, every recollection, whether of Augustus or of Charlemagne, had led the Italians to annex the notion of sovereignty to the name of Roman Emperor, nor were Otho, or his two immediate descendants, by any means inclined to wave these supposed prerogatives which they were well able to enforce. Most of the Lom-

Muratori, A.D. 951 Denina, Rivoluzioni d Italia, I. ix. is

bard princes acquiesced without apparent repug-

nance in the new German government, which was

conducted by Otho the Great with much predence

and vigour, and occasionally with severity affactivens of Lombardy were still better mathematical.

of temporal power even while the city was professedly governed by the exarchs of Rayenna, in

came more extensive after her separation from Constantinople. It was, however, subordinate to the undemable sovereignty of the new imperial family, who were supposed to enter upon all the rights of their predecessors. There was always an imperial officer, or prefect, in that city, to render criminal justice, an oath of allegiance to the em-

This power be-

CHAP III FART I

with a change, that ensured a more transpersant regular administration than they had experienced under the preceding kings. But in one, and that the chief of Italian cities, very different sentiments were prevalent. We find indeed, a considerable obscurity spread over the internal history of Rome, during the long period from the recovery of Italy by Belisarius to the end of the eleventh century. The popes appear to have possessed some ineasure

the name of the eastern empire

International State of Rome

peror was taken by the people and upon any irregular election of a pope, a circumstance by no means unusual, the emperors held themselves intitled to interpose. But the spirit and even the institutions of the Romans were republican. Amidst the darkness of the tenth century, which no contemporary historian dissipates, we faintly distinguish the aweful names of senate, consuls, and

inbunes, the domestic magistracy of Rome. These CHAP shadows of past glory strike us at first with surprise prot there is no improbability in the suppoattion; that a city so renowned and populous, and so handly sheltered from the usurpation of the Lombands might have preserved, or might afterwards establish, a kind of municipal government, which it would be natural to dignify with those august titles of antiquity \* During that anarchy which consued upon the fall of the Carlovingian dynasty, the Romans acquired an independence, which they The city became a prev to the did not deserve most terrible disorders, the papal chair was sought tor at best by bribery, or controlling influence, often by violence and assassmation in was filled by such men as naturally rise by such means, whose sway was precarious, and generally ended either in their muider or degradation For many years the supreme pontiffs were forced upon the church by two women of high rank, but infamous reputation, Theodora and her daughter Marozia of Italy, whose election in a diet of Lombard princes and bishops at Roncagha was not conceived to convey any pretension to the sovereignty of Rome, could never obtain any decided influence in papal elections, which were the object of struggling factions among the resident nobility. In this temper of the Romans, they were ill disposed to resume habits of obedience to a foreign sovereign next year after Otho's coronation, they rebelled,

PARTI HALY.

Samondi, U. p. 155 Murator, A D 967 987 1015 1087

CHAP III PART I the pope at their head; but were of course subdued without difficulty. The same republican spirit broke out whenever the emperors were absent in Germany, especially during the minority of Otho III, and directed itself against the temporal superiority of the pope. But when that emperor attained manhood, he besieged and took the city, crushing all resistance by measures of severity and especially by the execution of the consul Crescentius, a leader of the popular faction, to whose instigation the tumultuous licence of Rome was principally ascribed.

Henry II

At the death of Otho III without children, in 1002, the compact between Italy and the emperors of the house of Saxony was determined: "Her engagement of fidelity was certainly not applicable to every sovereign whom the princes of Germany Accordingly Ardon might raise to their throne margus of Ivrea was elected king of Italy German party existed among the Lombard princes and bishops, to which his insolent demeanour soon gave a pretext for inviting Henry II the new king of Germany, collaterally related to their late sovereign. Ardom was deserted by most of the Italians, but retained his former subjects in Piedmont, and disputed the crown for many years with Henry, who passed very little time in Italy During this period there was hardly any recog-

follow the common tenor of histors, without southing for the incuracy of its representations.

Sismondi, the policy makes a patriot hero of Crescentius—But we know so little of the man or the times, that it seems better to

mzed government, and the Lombards became CHAP more and more accustomed, through necessity, to protect themselves, and to provide for their own internal police. Meanwhile the German nation HALY had become odious to the Italians The rude soldery, insolent and addicted to intoxication, were engaged in frequent disputes with the citizens, wherein the latter, as is usual in similar cases, were exposed first to the summary vengeance of the troops, and afterwards to penal chastisement for sedition.\* In one of these tumults, at the entry of Henry II in 1004, the city of Pavia was burned to the ground, which inspired its inhabitants with a constant animosity against that emperor his death in 1024, the Italians were disposed to break once more their connexion with Germany, which had elected as sovereign Conrad, duke of They offered their crown to Robert king of France, and to William duke of Guienne, but neither of them was imprudent enough to involve himself in the difficult and faithless politics It may surprize us that no candidate of Italy oppeared from among her native princes had been the dexterous policy of the Othos to weaken the great Italian fiels, which were still tather considered as hereditary governments, than as absolute patrimonies, by separating districts from their jurisdiction, under inferior marquises and rural counts † The bishops were incapable of

PART 1

tors Autog Ital Dissert 8 \* Muratori, A D 1037 1037 nahrd fedia A D 989 † Denina, Lix of 11. Mura

PART I.

ITALY

Flection of Central III

1024

becoming competitors, and generally attached to the German party The cities already possessed material influence, but were disunited by mutual Since ancient prejudices, therefore, iealousies precluded a federate league of independent principalities and republics, for which perhaps the actual condition of Italy unfitted her, Embert, archbishop of Milan, accompanied by some other chief men of Lombardy, repaired to Constance, and tendered the crown to Conrad, which he was already disposed to claim as a sort of dependency upon Germany It does not appear that either Conrad, or his successors, were ever regularly elected to reign over Italy, but whether this ceremony took where or not, we may certainly date from that time the subjection of Italy to the Germanic body an unquestionable maxim, that the votes of a few German princes conferred a right to the sove reignty of a country which had never been conquered, and which had never formally recognized this superiority ! But it was an equally funda

Muratori A D. 1026. It is said afterwards, p. 107, that howard afterwards, p. 107, that howard afterwards in the said afterwards and inspectation of the proph of Rome therefore preserved their normal right of concurring in the election of an emperor. Muratori, in another place, V.D. 1049, supposes that Henry III was chosen king of Italy, though he allows that no proof of its vists, and their seems no reason for the supposition.

† Conther, the poet of I redere-Barbarossa, expresses this not inclegantly Romani gloria regni Nos peties est, que na unque sita Cormania regeni Praficit hune dives submiss

vertice Roma

Accipit, et verso Tiberim regit ordine Rhemus.

Countler Ligarinusap Strit vium Corpus Hist German p. 266.-

Yet it appears from Othio of Frisingen, an unquestionable authority that some Italian nobles concurred, or at least were present and assisting, in the election of Frederic himself 1 in r 1

mental rule, that the elected king of Germany could not assume the title of Roman Emperor. until his coronation by the pope-The middle appellation of King of the Romans was invented as a sort of approximation to the imperial dignity But it was not till the reign of Maximilian that the actual coronation at Rome was dispensed with, and the title of emperor taken mimediately after the election

HALY

The period between Conrad of Franconia and Frederic Barbarossa, or from about the middle of the eleventh to that of the twelfth century, is marked by three great events in Italian history, the struggle between the empire and the papacy for ecclesia stical investitures, the establishment of the Norman kingdom in Naples, and the formation of distinct and nearly independent republics among the cities of Lombardy The first of these will find a more appropriate place in a subsequent chapter, where I shall trace the progress of ecclesiastical power. But it produced a long and almost incessant state of disturbance in Italy, and should be mentioned at present, as one of the main causes which excited in that country a systematic opposition to the imperial authority

The southern provinces of Italy, in the begin- took pro ning of the eleventh century, were chiefly subject mothers to the Greek empire, which had latterly recovered had part of its losses, and exhibited some ambition and enterprise, though without any vigour. They were governed by a lieutenant,

CHAP III PART I. ITALY

styled Catapan,\* who resided at Bari in Apulia. On the Mediterranean coast, three duchies or rather republics, of Naples, Gaeta, and Amalh. had for several ages preserved their connexion with the Greek empire, and acknowledged its nominal sovereignty. The Lombard principalities of Benevento, Salerno, and Capua had much de-· clined from their ancient splendour. The Greeks were, however, not likely to attempt any further conquests, the court of Constantinople had relapsed into its usual indolence, nor had they much right to boast of successes, rather due to the Saracen auxiliaries, whom they hired from No momentous revolution apparently threatened the south of Italy, and least of all could it be anticipated from what quarter the storm was about to gather

Settlement of the Norrnors at Ave sa The followers of Rollo, who rested from plunder and piracy in the quiet possession of Normandy became devout professors of the Christian faith, and particularly addicted to the custom of pilgrimage, which gratified their curiosity and spirit of adventure. In small bodies, well armed, on account of the lawless character of the countries through which they passed, the Norman pilgrims visited the shrines of Italy and even the Holy Land Some of these, very early in the eleventh century, were engaged by a Lombard prince of Salerno against the Saracens, who had invaded his territory, and through that superiority of valour, and per-

 <sup>(</sup> atapanus, from assa was one employed in general administration of affairs

I'ART I

HALY

haus of corporal strength, which this singular CHAP people seem to have possessed above all other Europeans, they made surprizing havoc among the enemy.\* This exploit led to fresh engagements, and these engagements drew new adventurers from Normandy, they founded the little city of Aversa near Capua, and were employed by the Greeks against the Saracens of Sicily though performing splendid services in this war. they were ill repaid by their ungrateful employers. and being by no means of a temper-to bear with injury, they revenged themselves by a sudden invasion of Apulia. This province was speedily subdued, and divided among twelve Norman counts), but soon afterwards Robert Guiscard, one of twelve brothers, many of whom were renowned c in these Italian wars, acquired the sovereignty, ... and adding Calabria to his conquests, put an end to the long dominion of the Eastern emperors in Italy 1 He reduced the principalities of Salerno and Benevento, in the latter instance sharing the spoil with the pope, who took the city to himself, while Robert retained the territory quests in Greece, which he invaded with the magnificent design of overthrowing the Eastern empire, were at least equally splendid, though less

1042

1057

TOGI

<sup>\*</sup> Gramone, this p. 7 probt 1753 | I should observe, that N Man, a more critical writer in examination of facts than Gian none, treats this first adventure of the Normans as unauthenticated Abrege Chronologique, p. 990

<sup>†</sup> The final blow was given to the Greek domination over Italy by the expters of Barron 1971, after a succonfloor years. It had for some time been confined to this single city. Murators St. Man

CHAP III PART 1.

durable Roger, his younger brother, undertook meanwhile the romantic enterprize, as it appeared, of conquering the island of Sicily, with a small body of Norman volunteers. But the Saracens were broken into petty states, and discouraged by the bad success of their brethien in Spain and Saidmia. After many years of war, Roger became sole master of Sicily, and took the title of Count. The son of this prince, upon the extinction of Robert Guiscard's posterity, united the two Norman's overeignties, and subjugating the free republics of Naples and Amalii, and the principality of Capua, established a boundary which has hardly been changed since his time.\*

1127

Papel in view tures of Naples

The first successes of these Norman leaders were viewed uniavourably by the popes. Let IX marched in person against Robert Guiscard with an army of German mercenaries, but was beaten and made prisoner in this univise enterprize, the seandal of which nothing but good fortune could have lightened. He fell, however, into the hands of a devout people, who implored his absolution for the crime of defending themselves, and whether through gratitude, or as the price of his liberation, invested them with their recent conquests in Apulia, as fiels of the Holy See. This investiture was repeated and enlarged, as the popes, especially in their contention with Henry or the second content of the popes.

imagination with visions of liberty and virtue in those obscure republics, which no real history survives to dispel

M Sismondi has excelled himself in describing the compact of Amali and Vaples by Roger Guiscard of the C.4.5 warming his

PARTI

HAIY

IV and Henry V found the advantage of using CHAP the Normans as faithful auxiliaries Finally, Innocent II , in 1139, conferred upon Roger the title of king of Sicily - It is difficult to understand by what prefence these countries could be claimed by the see of Rome in sovereignty, unless by virtue of the pretended donation of Constantine, or that of Loins the Debonan, which is hardly less suspicious,\* and least of all how Innocent II could , surrender the liberties of the city of Naples, whether that was considered as an independent republic, or as a portion of the Cacck curpile. the Normans, who had no title but their swords, were naturally glad to give an appearance of legitimacy to their conquest, and the kingdom of Naples, even in the hands of the most powerful princes in Europe, never ceased to pay a fordal acknowledgment to the chan of St. Reter

The revolutions which time brought forth on Progress of the opposite side of Italy were still more interest-bank class ing Under the Lombard and French princes, every city with its adjacent district was subject to the government and jurisdiction of a count, who was himself subordinate to the duke or marquis of the province. From these countres it was the practice of the first German emperors to dismember particular towns or tracts of country, granting

concessions to the Normans, in order to give the justes a colour-able pretext to dispuse of the southern provinces of Italy A D 1059

Muratori presumes to sup-pose that the interpolated, if not spurious, grants of Lonis the De bonair, Otho I and Heary II to the See of Rome were promul-gated about the time of the hist

IIAP III PARI I them upon a feedal tenure to rural lords, by many of whom also the same title was assumed. Thus by degrees the authority of the original officers was confined almost to the walls of their own cities, and in many cases the bishops obtained a grant of the temporal government, and exercised the functions which had belonged to the count.\*

It is impossible to ascertain the time at which the cities of Lombardy began to assume a republican form of government, or to trace with precision the gradations of their progress last historian of Italy asserts, that Otho the First erected them into municipal communities, and permitted the election of their magistrates – but of this he produces no evidence and Muraton. from whose authority it is rash to depart without strong reasons, is not only silent about any charters, but discovers no express unequivocal testimonies of a popular government for the whole eleventh century 1. The first appearance of the citizens acting for themselves, is in a tumult at Milan in 991, when the archbishop was expelled from the city! But this was a transitory ebullition, and we must descend lower for more specific proofs. It is possible that the disputed succession of Ardom and Henry, at the beginning of the eleventh age, and the kind of interregnum which then took place, gave the inhabitants an oppor-

Muraton, Anuquit Italia, † Sismondi, t i p. 07-384
Diesert 8 Annah d'Italia A D. Muraton, Diesert 40
944 Antichita Estensi, p. 26 1 Muraton, Annah d Italia

tunity of chusing magistrates, and, of sharing in CHAP, public deliberations A similar relaxation indeed of government in France had exposed the people to greater servitude, and established a feudal arisfor acv. But the foudal tenures seem not to have produced in Italy that systematic and regular subordination which existed in France during the sime period, nor were the mutual duties of the relation between lord and vassal so well understood or observed. Hence we find not only disputes, but actual civil war between the lesser centry or vavassors, and the higher nobility. their immediate superiors. These differences were adjusted by Conrad the Salic, who pubashed a remarkable edict in 1037, by which the 'cudal law of Italy was reduced to more certainty.\* From this disunion among the members of the hadal confederacy, it was more easy for the citizens to render themselves secure against its dominion. The cities too of Lombardy were far more populous and better defended than those of France, they had learned to stand sieges in the Hungarian invasions of the tenth century, and had acquired the right of protecting themselves by strong fortifications. Those which had been placed under the temporal government of their bishops had peculiar advantages in struggling for (mancipation.) This circumstance in the state of Lombardy I consider as highly important towards

come counts, or temporal givernors, of their sees, about the end of the tenth or before the middle of

<sup>\*</sup> Muratori Annali d Italia N Marc † The hishors seem to have be

CHAP III PARI I

explaining the subsequent revolution Notwithstanding several exceptions, a churchman was less likely to be bold and active in command than a soldier, and the sort of election which was always necessary, and sometimes more than nominal, on a vacaney of the see, kept up among the entizens a notion, that the authority of their bishor and chief magistrate emanated in some degree from themselves. In many instances, especially in the church of Milan, the earliest perhaps, and, certainly the most famous of Lombard republics there occurred a disputed election (two, or even three, competitors claimed the archicpiscopafunctions, and were compelled, in the absence of the emperors, to obtain the exercise of them by means of their own faction among the citizens \*

it cleverth of the Marine Discon Denote a record of the St. March A.D. 1944 A. 67 (1.79) In Amore Historical delicities with the before the election to the conwe have a could get the control And from the period of the atwork I should note, it take one to be wir mithe and the district i tury, the creek magnification of the city. Int at the seno time at appears legidy probable, teal an assembly of the entirens on it hast a part of the entirens, part of in the actions rate and pull a affors Muratori, Ser ptores Rerum Dalicarung to p 10 22, 23, and porto the eastward of the Test of the hishops lost their temperal inthority in the tweltth century, though the archlashop of Milan teel too. small prerogatives, while that city was governed as a republic. But re Performance and Performance in the conflict power of the confli

Icha Occalination 1 p. 194.

More read to 194. So times the reader to other cases in the reader to the case reader of the Payagnet Payagnet Theorem 194. They was in other words, setting up the moders as repulsive. But the most remarkable instance of this kind occurred in 1970, when the Milanese also littly repeated toolfrey, appointed by Henry IV, and after a resett ance of several years, obliged the empirior to fix upon another person.

These were the general causes, which, operating at various times during the eleventh century, seem gradually to have produced a republican form of government in the Italian cities. But this part of history is very obscure. The archives of all cities before the reign of Frederic Barbarossa have perished. For many years, there is a great denciency of contemporary Lombard historians and those of a later age, who endervoined to seach anto the antiquities of their country, have found only some barren and insulated events to record We necessary, however, throughout the eleventh century, that the cities were continually in variate with each other. This, indeed, was according to the manners of that age, and no inference can absolutely be drawn from it as to their internal But it is observable, that their chronich's speak, in recombing these transactions, of the people, and not of their leaders, which is the true republican tone of history. Thus, in the Annals of Pisa we real under the years 1002 and 1004, of victories gained by the Pisans over the people of Lucca in 1006 that the Pisans and Genocse conquered Saidmia. These annids

CHAP HI PARL I

The case had been previously to several manage and visitent true be, which, though rather belong to be ecclestasts at that evid history as they are so out of the ende tears made to reform the conduct of under the citizenty of the original a considerable tendency to dominish the architecture and manage to the management of the inhabitants. These

providings on to I of good to a gift by St. More, it is A.D. Der +1 77. Arrivation I I of the arrivation theorem of some sections.

"Murat Das 1 Arribus the historiae of Milan make to mente it of any length of the white some tene in the report of the three were tene in the conference of Milanda factors, Equation Revenues, Equation Revenues, Equation Revenues, Equation 1997.

CHAP Ш PARTI HALY

indeed are not by a contemporary writer, nor perhaps of much authority But we have an original account of a war that broke out in 1057. between Pavia and Milan, in which the citizens are said to have raised armies, made alliances hired foreign troops, and in every respect acted like independent states \* There was, in fact, no power left in the empire to controll them. two Henrys IV and V were so much embarrassed during the quairel concerning investitures; and the continual troubles of Germany, that they were less likely to interfere with the rising free dom of the Italian cities, than to purchase their assistance by large concessions granted a charter to Pisa, in 1081, full of the most important privileges, promising even not to name any marquis of Tuscany without the people's consent I and it is possible, that although the instruments have perished, other places might obtain similar advantages. However this may be, it is certain that before the death of Henry V, in 1125. almost all the cities of Lombardy, and many among those of Tuscany, were accustomed to elect their own magistrates, and to act as independent communities in waging war and in domestic government !

This listory was written don't 100%, but relates to the earlier part of that century. That of Laidelfus corroborates this suppost on which indeed is equilible of proof as to Vilan and several other cities in which the temporal

government had been legally vested in the bishops . Murat Diss 45 Arnulf Hist Mediolon p. 22 - † Murat Dissert 45

! Murat Annali d Ital A I 1107

The territory subjected originally to the count CHAP or bishop of these cities had been reduced, as I mentioned above, by numerous concessions to the rural nobility. But the new republics, deeming many themselves entitled to all which then former go- the soft vernors had once possessed, began to attack their water nearest neighbours, and to recover the sovereignty of all their ancient territory They besieged the castles of the rural counts, and successively reduced them into subjection. They suppressed some minor communities, which had been formed in initiation of themselves by little towns belonging to their district. Sometimes they purchased tendal superiorities or territorial jurisdictions, and, according to a policy not unusual with the stronger party, converted the rights of property into those of government. Hence, at the middle of the twelfth century, we are assured by a contemporary writer, that hardly any nobleman could be found except the margins of Montterrat, who had not submitted to some city! We may except also, I should presume, the families of Este and Malaspina, as well as that of Savoy Minatori produces many charters of mutual compact between the nobles and the neighbouring cities, whereof one invariable article is, that the former should reside within the walls a certain number of

Lar arrun

II dominio utile delle citta c de villaggi era taivolta diviso fra due o pau padroni, ossia chi si iswritassero a ciascuno diversi quar tieri, o si dividessero i proventi della galielle, ovvero che l'uno sia nore godesse d'una spezie della

nustranom, ela sodon atro Denna, I xa + 5 II squared a vist into ay of tides, which was of course advantaged to these who wanted a protest for robling their to shience † Other Insurgers I is c. 13

CHAP HL PART I

months in the year \* The rural nobility, thus deprived of the independence which had ende in d their castles, imbibed a new ambition of directing the municipal government of the cities, which, during the first period of the republics, was chiefly in the hands of the superior families. It was the sagacious policy of the Lombards to invite settlerbt throwing open to them the privileges of citizenship, and sometimes they even bestowed them by compulsion. Sometimes a city, imitating the wisdom of ancient Rome, granted these privileges to all the inhabitants of another | Thus the principal cities, and especially Milan, reached, before the middle of the twelith century, a degree of population very far beyond that of the capitals of the great kingdoms. Within their strong walls and deep trenches, and in the midst of their wellpeopled stregts, the industrious dwelt seeme from the becace of armed pillagers and the oppression of feudal tyrants Artizans, whom the imhtary landholders contemned, acquired and deserved the right of bearing times for their own and the pubhe defence! Then occupations became liberal because they were the foundation of their political franchises, the citizens were classed in companies according to their respective crafts, each of which

artum opiner quos extera zentes de la mestarribus et ide riordua; stadies tinquam pestem propellunt, ad milita conculum, vel digintatum gradus assumere non dedignanter. I x quo lactum est, ut exters orbis civitatibus, divitus at polentas præemme ant

Morat Dec 49

<sup>†</sup> Itad

<sup>2</sup> Otho Priso across in Murat Ser Rei Rei Uvi p. 70%. Ut ction and comprimendos vicinos materia non careant, inferioris ordinis juvenes, vel quiesthet contingolohium etiam mechanicarum.

had its tribune or standard-bearer gonfaloniers CHAP at whose command, when any tuniult arose or enemy threatened, they rushed in arms to muster in the market-place.

PART I. HAIN

But, unhappily, we cannot extend the sympa- Do had thy, which institutions so full of liberty create, to the arms the national conduct of these little republics. Their love of freedom was alloyed by that restless " spirit, from which a democracy is seldom exempt, of tyrannizing over weaker neighbours played over again the tragedy of afferent Greece, with all its circumstances of inveterate hatred, unjust ambition, and atrocious retaliation, though with less consummate actors upon the scene Among all the Lombard cities, Milan was the most conspictions, as well for power and populaon, as for the abuse of those resources by arbitrary Thus in 1111, they rized and ambitious conduct the town of Lodi to the ground, distributing the edicbitants among six villages, and subjecting them to an unrelenting despotism. Thus in 1118, they commenced a war of ten years duration with the little city of Como but the surprizing perseverance of its inhabitants procured for them better terms of capitulation, though they lost their ori-

grations which had ensuch wealth he was a fill a volume of they were related at Lington Some risk R rum Italie viss p. tr. A. Liber is the testimens of a wester who did not live beyond it to Severty veirs more effer of I staits or servicede lapsed before Lode was permitted to respore

The animosity between M line and lade was never add starting. It originated, according to Aricill, in the resistance made by the in-1 abetants of the latter city to an ittempt made by Archbishop I're tert to force a bishop of his own nomination open them. The bloodshed, plunder, and coeffa-

CHAP III FARTI

ap ginal independence The Cremonese treated so harshly the town of Crema, that it revolted from them, and put itself under the protection of Milan Crites of more equal forces carried on interminable hostilities by wasting each other's territory, destroying the harvests, and burning the villages

Server city of the cities perois

The sovereignty of the emperors, meanwhile, though not very effective, was in theory always Their name was used in public acts, admitted and appeared upon the com. When they came into Italy, they had certain customary supplies of provisions called todrum regale, at the expense of the city where they resided, during their presence, all interior magistracies were suspended and the right of purisdiction devolved upon then. alone. But such was the jealousy of the Lombards. that they built the royal palaces without their gates, a precaution to which the emperors were compelled to submit This was at a very early time a subject of contention, between the inhabitants of Pavia and Conrad II, whose palace, seated in the heart of the city, they had demolished in a sedition, and were unwilling to rebuild in that situation \*

troler Harbanissa Such was the condition of Italy when Frederic Barbarossa, duke of Swabia, and nephew of the last emperor, Conrad III, ascended the throne of Germany—His accession forms the commencement of a new period, the duration of which is about one hundred years, and which is terminated

by the death of Conrad IV, the last emperor of CHAP the house of Swabia It is characterized, like the former, by three distinguishing features in Italian history, the victorious struggle of the Lombard and other cities for independence, the final establishment of a temporal sovereignty over the middle provinces by the popes, and the union of the kingdom of Naples to the dominions of the house of Swabia

In Frederic Barbarossa the Italians found a very different sovereign from the two last emperors, Lothaire and Contad III, who had seldom appeared in Italy, and with forces quite madequate to controll such insubordinate subjects. The distinguished valour and ability of this prince rendered a severe and arbitrary temper and a haughty concert of his imperial rights more formidable. He believed, or professed to believe, the magnificent absurdity, that, as successor of Augustus, he inhe-In the same rited the kingdoms of the world right, he more powerfully, it not more rationally, laid claim to the entire prerogatives of the Roman emperors over their own subjects, and in this the professors of the civil law, which was now diligently studied, lent him their aid with the utmost To such a disposition the self-government of the Lombard cities appeared mere rebellion Milan, especially, the most renowned of them all, drew down upon herself his inveterate resent-He found, unfortunately, too good a pretence in her behaviour towards Lodi - Two natives of that ruined city threw themselves at the em-

PART I HALY

CHAP III. PART I peror's feet, imploring him, as the ultimate source of justice, to redress the wrongs of their country It is a striking proof of the terror inspired by Milan, that the consuls of Lodi disavowed the complaints of their countrymen, and the inhabitants trembled at the danger of provoking a summary mageance, against which the impend arms seemed no protection \* The Milanese, however, abstanted from attacking the people of Lodi. though they treated with contempt the emperors. order to leave them at liberty Frederic, meanwhile, came into Italy, and held a diet at Roncagha, where complaints poured in from man quarters against the Milanese. Pavia and Cic. mona, their ancient elemies, were impatient to renew hostilities under the imperial auspices Breseia, Tortona, and Crema were allies or rather dependants, of Milan - Frederic soon took occasion to attack the latter confederacy. Tortona was compelled to surrender and levelled to the ground. But a feudal army was soon dissolved. the emperor had much to demand his attention at Rome, where he was on all terms with Adrian IV and when the imperial troops were withdrawn from Lombardy, the Wilanese rebuilt Tortona, and expelled the citizens of Lodi from their dwellings. Frederic assembled a fresh army, to which almost every city of Lombardy, willingly, or by

<sup>\*</sup> See an interesting to out of these circumstances in the nurritive of Otho Morena, a citizen of Total Script Rev. Pur Use p. 966. M Semnordi, who re proaches

Morena for partiality towards Frederic in the Milmose war, should have remembered the process domesto Losh. Histodes Republ. Ital. to p. 102.

force, contributed its militia. It is said to have CHAP. exceeded a hundred thousand men. The Milanese shut themselves up within their walls, and perhans might have defied the imperial forces, if their immense population, which gave them confidence in aims, had not exposed them to a different Milan was obliged by hunger to capitidate, upon conditions not very severe, it a vanquished people could ever safely rely upon the convention that testifies their submission

PARFI 11413

Frederic, after the surrender of Milan, held a Detail dict at Roncaglia, where the effect of his victories handle was fatally perceived The bishops, the higher nobility, the lawyers, yiel with one another in exalting his prerogatives. He defined the regulari rights as they were called, in such a manner as to exclude the cities and private proprietors from coming money, and from tolls or territorial dues, which they had for many years possessed. These, however be permitted them to retain for a persimary A more important innovation was the appointment of magistrates, with the title of Podesta, to administer justice, concurrently with the consuls, but he soon proceeded to abolish the latter office in many cities, and to throw the whole government into the hands of his own magistrates He prohibited the cities from levying war against each other It may be presumed, that he showed The capitulation was set at no favour to Milan nought in its most express provisions, a podesta was sent to supersede the consuls, and part of the Whatever might be the territory taken away

1128

risk of resistance, and the Milanese had experience

CHAP 111 PART L I7 ALY

enough not to undervalue it, they were determined rather to see them liberties at once overthrown, than gradually destroyed by a faithless tyrant They availed themselves of the absence of his army to renew the war. Its issue was more calamitous that of the last. Almost all Lom-\* bardy lay patient under subjection. The small town of Crema, always the faithful ally of Milan, stood a memorable siege against the imperial army; , but the inhabitants were ultimately compelled to calitulate for their lives, and the vindictive Cremorese razed their dwellings to the ground \* tapturear 1 But all smaller calamities were forgotten, when the great city of Milan, worn out by famine rather than subdued by force, was reduced to surrender at discretion Lombardy stood in anxious suspense to know the determination of Frederic respecting this ancient metropolis, the scat of the early Christian emperors, and second only to Rome in the hicrarchy of the Latin church three weeks excited fallacious hopes, but at the end of that time, an order was given to the Milanese to evacuate their habitations The deserted streets were instantly occupied by the imperial army, the people of Pavia and Cremona, of Lodi and Como, were commissioned to revenge

destru of Milati

as the most detailed account of the methods need in the attack and defence of fortified places, before the net officient of aruliers. Seep. Rer Ital t vi p 1032-1052

<sup>.</sup> The stege of Crema is told at great length by Otto Morena at is interesting, not only as a display of extraordinary, though unsucer estul, perseverance and intrepudity, but

themselves on the respective quarters of the city CHAP assigned to them, and in a few days, the pillaged churches stood alone annulst the juins of what had been Milan

PART I. HALL.

1162

There was now little left of that freedom to which Lombardy had aspired it was gone like a pleasant dream, and she awoke to the cars and Frederic obeyed the dicmiseries of servitude tates of his vindictive temper, and of the policy ammal among statesmen He abrogated the consular regimen in some even of the cities which had supported him, and established his podestitin their place. This magistrate was always a stranger, requently not even an Italian, and he came to his office with all those prejudices against the people he was to govern which cut off every hope of justice and humanity. The citizens of Lombirdy especially the Milanese, who had been dispersed in the villages adjoining their ruined capital, were unable to meet the perpetual demands In some parts, it is said, two thirds of the produce of their lands, the only wealth that remained, were extorted from them by the importal officers. It was in vain that they prostrated them-He gave at the selves at the feet of Frederic best only vague promises of redress, they were in his eyes rebels, his delegates had acted as faithful officers, whom, even it they had gone a little beyond his intentions, he could not be expected to punish

But there still remained, at the heart of Lombardy, the strong principle of national liberty, im-

CHAP Ш PART I HALY La ague of Lombust tanınya Frederic.

perishable among the perishable armies of her patriots, inconsumable in the conflagration of her Those whom private animosities had he to assist the German conqueror, blushed at the degradation of their country, and at the share they had taken in it \* A league was secretly tormed, as which Cremona, one of the chief cities 1167, on the imperial side, took a prominent part Those beyond the Adige, hitherto not much engaged in the disputes of central Lombardy, had already formed a separate confederacy, to secure themselves from encroachments, which appeared more unjust, as they had never borne arm against the emperor Then first successes corresponded to the justice of their cause. Frederic was repulsed from the territory of Verona, a for-

1164

Adige, now united themselves into the famou Lombard League, the terms of which were settled in a general dict Then alliance was to last twenty years during which they pledged themselves to mutual assistance against any one who should exact more from them than they had been used to perform from the time of Henry, to the first coming of Frederic into Italy, implying in this, the recovery of their elective magistracies. their rights of war and peace, and those lucrative privileges, which, under the name of regalian.

tunate augury for the rest of Lombardy

two clusters of cities, on the cast, and west of the

Ennua

Que neque Dardanus campes potucie perire, Nec cum capta capt, nec cum combusta en man

had been wrested from them in the diet of CHAP. Roncaglia \*

PART I

This union of the Lombard office was formed at a very favourable juncture. Frederic had almost ever since his accession, been engaged in open hostility with the sec of Rome, and was pursuing the fruitless policy of Henry IV, who and endeavoined to substitute an antipope of his own facnon for the legitimate pontiff. In the prosecu-, tion of this scheme, he had besieged Rome with a great army, which, the citizens resisting longer than he expected tell a prev to the autumpal postilence that visits the neighbourhood of that The flower of German nobility was ent eff by this calamity, and the emperor recrossed the Alps, entirely unable for the present to withstand the Lombard confederacy. Their first overt act of insurrection was the rebuilding of Milan, the confederate troops all joined in this undertaking, and the Milanese, still numerous, though dispersed and persecuted, revived as a powerful republic. Lodi was compelled to enter into the leigne. Payia alone continued on the imperial

which are interest of the last frame to interest it of the last frame that is not as we say King William to Anthrope and the Just I will be the Country of t

<sup>&</sup>quot;Torothe interested colletes soft to Lombard length to the state of the test the search authorities see March 18 49th the extration. The works a temporal Henrica Hegis using all introdum importations. For term, leave it ambiguous which of the leaves it ambiguous which of the terms was intended. March 19 tooks it was Henry 15 places the rates than began to be colleged on the series them began to be colleged on the series however has bright the forms however has bright meant and total when a king is meant ned

111 PART 1 HALY.

CHAP, side. As a check to Pavia, and to the marquison Montferrat, the most potent of the independent nobility, the Lombards planned the erection of a new city, between the confines of these two encmies, in a rich plain to the south of the Po, and bestowed upon it, in compliment to the pope, Alexander III, the name of Alessandria. Though from its hasty construction. Alessandria was, even in that age, deemed rude in appearance, it rapidly became a thriving and populous city \* The intrinsic energy and resources of Lombardy were now made manufest. Findenc, who had me umphed by their disunion, was unequal to content against their league. After several years of indecisive war, the emperor invaded the Milanese territory, but the confederates gave him battle and gained a complete victory at Legitino. Frederic escaped alone and disguised from the field with little hopecot raising a fresh army, though still reluctant from shame to acquiesce in the freedom of Lombardy He was at length persuaded, through the mediation of the republic of Venice, to consent to a truce of six years, the provisional terms of which were all favourable to the league. It was weakened, however, by the defection of some of its own members. Cremona, which had never cordially united with her ancient

Battle of la hatio. 1176

sures, as it is actually called inthe peace of Constance, being a that time on the imperial side But it soon recovered its former atopellation

Alessandria was sirranied, in derision, della paglia itr in the thatch with which the beases were covered. Frederic was very desire of to change its name to Ca-

enemies, made separate conditions with Frederic, CHAP. and suffered herself to be named among the cities on the imperial side in the armstice. Tortona and even Alessandria followed the same course during the six years of its duration a fatal testimony of ansubdued animosities, and omen of the cala-At the expiration of the truce, mittes of Italy Frederic's anxiety to secure the crown for his son overcame his pride, and the famous peace of Con-  $v_{0000}$ stance established the Lombard republics in real " independence

HALY

By the treaty of Constance, the cities were mentained in the enjoyment of all the regular rights, whether within their walls or in their distact, which they could claim by usage of levying war, of creeting fortifications, and of administering civil and criminal history were specially mentioned The nomination of their consuls, or other magistrates, was left absolutely to the citizens, but they were to receive the investiture of their office from an imperial legate The customary tributes of provision during the emperor's residence in Italy were preserved, and he was authorized to appoint in every city a judge of appeal in civil causes. The Lombard league was confirmed, and the cities were permitted to renew it at their own discretion but they were to take every ten years an oath of fidelity to the This just compact preserved, along Cuperor with every security for the liberties and welfare of the cities, as much of the imperial prerogatives,

CHAP III PARE I as could be exercised by a foreign sovereign, consistently with the people's happiness \*

The successful insurrection of Lombardy is a memorable retutation of that system of policy to which its advocates give the appellation of vigorous, and which they perpetually hold forth , as the only means, through which a disaffected people are to be restrained. By a certain class of statesmen, and by all men of harsh and violent disposition, measures of conciliation, adherence to the spirit of treaties, regard to ancient privileges or to those rules of moral justice which are paramount to all positive right, are always treated Terror is their only specific, and with derision the physical mability to rebel their only security for allegrance But if the razing of cities, the abrogation of privileges, the impoverishment and oppression of a nation could assure its construsubmission, Frederic Barbarossa would never have seen the inditia of Lombardy arrayed against him Whatever may be the pressure upon at Legnano a conquered people, there will come a moment of Not is it material to alledge, in answer to the present instance that the accidental destruction of Frederic's army by disease enabled the cities of Lombardy to succeed in their resist The fact may well be disputed, since Lombardy when united, appears to have been more than equal to a contest with any German

<sup>.</sup> Murdon, Antiquitates Italia. Diss. 50.

force that could have been brought against her, curve but, even if we admit the effect of this circumstance, it only exhibits the precanousness of a policy, which collateral events are always hable to disturb Providence reserves to itself various means, by which the bonds of the oppressor may be broken, and it is not for human sagacity to anticipate, whether the army of a conqueror shall moulder in the unwholesome marshes of Rome. cor stiffen with frost in a Russian winter

HALL

The peace of Constance presented a noble opportunity to the Lombards of establishing a permanent federal union of small republics, a form or government congernal from the carliest ages to Italy, and that, perhaps, under which she is again destined one day to flourish They were entitled by the provisions of that treaty to preserve their reigne, the basis of a more perfect contederacy, which the course of events would have emaner pated from every kind of subjection to Germany. But dark long cherished hatreds, and that implaoble yindictiveness, which, at least in former iges, distinguished the private manners of Italy, deformed her national character, which can only be the aggregate of individual passions. For re-

<sup>\*</sup> The glethere was repermamore duet of the Lembard beauty to consuls and pudestis of the respective cities composing it orcontinually not in congress, to de-

erite upon incipates of general 200. Thus are abled, they were unted Rectors Countains London. It is evident, that if I om-

Firely had continued in a cyclearer to prese ve the spirit of circum, these congress in the readily have be come a permanent besty has the Helyette I is ware to ever sive prosers as no more are no hological constitution. Me on A Chila Deliano to a place Dissert of Sminh to t 100

HAP III PARI I

venge she throw away the pearl of great price. and sacrificed even the recollection of that liberty. which had stalked like a majestic spirit among the ruins of Milan \* It passed away, that high disdain of absolute power, that steadiness and self-devotion, which raised the half-civilised Loni-, bards of the twelfth century to the level of those ancient republics, from whose history our first notions of freedom and virtue are derived. ' The victim by turns of selfish and sanguinary factions, of petty tyrants, and of foreign invaders, Italy has fallen like a star from its place in heaven, she has seen her harvests trodden down by the horses of the stranger, and the blood of her children wasted in quarrels not then own, Conquering or car quered, in the indignant language of her poet still alike a slave. La long retribution for the ty ranny of Rome

Affairs of Social Frederic did not attempt to molest the cities of Lombardy in the enjoyment of those privileges conceded by the treaty of Constance. His ambition was diverted to a new scheme for aggrandizing the house of Swabia, by the marriage of his eldest son. Henry with Constance, the aunt and heiress of William H., king of Sicily. That kingdom, which the first monarch, Roger, had elevated to a high pitch of renown and power, fell into decay through the misconduct of his son William.

Angi girar la liberta mirai, F baciar lieta ogni ruma, c dire, Rume sl, ma servitu non mai Gaetanal'asserini ossia piuttosto Gir an Battista l'astorini in

Mathias, Componimenti Iurici vol. in. p. 131 † Perservir sempre, o vincitrice e vinta – Lilicaja

simamed the Bad, and did not recover much of CHAP as lastre under the second William, though styled His death without issue was apparently no remote event, and Constance was the sole legitimate survivor of the royal family a curious circumstance, that no hereditary kingdom appears absolutely to have excluded temales from its throne, except that which, from its makeintude, was of all the most secure from falling into the condition of a province. The Sicilians telt too late the defect of their constitution, which permitted an independent people to be transferred, as the down of a woman, to a foreign prince, by whose ministers they might justly expect to be insulted and oppressed. Heavy, whose marriage with Constance took place in 1150, and who succeeded in her right to the throne of Sicily three years afterwards, was excisperated by a courageous but unsuccessful effort of the Norman batons to preserve the crown for an illegitimate branch of the royal family, and his reign is disgraced by a series of atrocious cruchtes power of the house of Swabia was now at its zenith on each side of the Alps., Henry received the Imperial crown, the year after his father's death in the third crusade, and even prevailed apon the princes of Germany to elect his infant son Frederic as his successor But his own premature decease clouded the prospects of his amily: Constance survived him but a year, and a child of four years old was left with the inhemance of a kingdom, which his father's severity

HALL

ITALY.

had rendered disaffected, and which the leaders of German mercenaries in his service desolated and disputed

During the minority of Frederic II. from 1198 to 1216, the papal chair was filled by Innocent III., a name second only, and hardly second, to that of Gregory VII Young; noble, and intrepid. he united with the accustomed spirit of ecclesiastical usurpation which no one had ever carried to so high a point, the more worldly ambition of a consolidating a separate principality for the Holy The real or spurious See in the centre of Italy donations of Constantine, Pepin, Charlemagne and Louis, had given rise to a perpetual claim, on the part of the popes, to very extensive dominions but little of this had been effectuated, and in Rome itself, they were thwarted by the prefect, an officer who swore fidelity to the emperor, and by the insubordinate spirit of the people In the very neighbourhood, the small cities owned no subjection to the capital, and were probably as much self-governed as those of Lombardy transported back to the earliest times of the republic, in reading of the desperate wars between Rome and Tibur or Tusculam, neither of which was subjugated till the latter part of the twelith century. At a further distance were the duchy of Spoleto, the march of Ancona, and what had been the exarchate of Ravenna, to all of which the popes had more or less grounded pretensions Early in the last mentioned age, the famous countess Matilda, to whose zealous protection

Gregory VII, had been emmently indebted during CHAP his long dispute with the emperor, granted the reversion of all her possessions to the Holy See, first in the life-time of Gregory, and again under 11313 the Pontificate of Paschal III These were very Bounded the counter extensive, and held by different titles. Of her Manilla vast imperial fiefs, Mantua, Modena, and Tus- ... cany, she cortainly could not dispose. The duchy of Spoleto and march of Ancona were supposed to rest upon a different footing. I confess myself not distinctly to comprehend the nature of this part of her succession. These had been formerly mong the great fiels of the kingdom of Italy But if I understand it rightly, they had facilly coised to be subject to the emperors, some years before they were seized by Godfrey of Lerraine. Other-in-law and step-tather of Matilda. To his on her husband, she succeeded in the possession They are commonly consiof those countries dered as her alodial or patrimonial property - vet it is not easy to see how being herself a subject of the empire, she could transfer even her alodial estates from its sovereignty. Nor, on the other band, can it, apparently, be maintained, that she was lawful sovereign of countries, which had not long since been imperial ficts, and the suzerainty over which had never been renounced original title of the Holy See, therefore, does not seem meontestable, even as to this part of Ma-But I state with hesitation a ulda - donation difficulty, to which the authors I have consulted

CHAP III PARFI CTALY

do not advert.\* It is certain, however, that the emperors kept possession of the whole during the twelfth century, and treated both Spoleto and Ancona as parts of the empire, notwithstanding continual remonstrances from the Roman pontifis Frederic Barbarossa, at the negociations of Venice ., in 1177, promised to restore the patrimony of Matilda in fifteen years but at the close of that period, Henry VI was not disposed to execute this arrangement, and granted the county in her to some of his German followers death, the circumstances were favourable to Innocent III The infant king of Sicily had been intrusted by Constance to his guardianship A double election of Philip, brother of Henry VI, and of Otho, duke of Brimswic, engaged the princes of Germany, who had entirely overlooked the claims of young Frederic, in a doubtful cive war. Neither jointy was in a condition to enter Italy, and the imperial dignity was vacant for several years, till, the death of Philip removing one competitor, Otho IV, whom the pope had constantly favoured, was crewned emperor. During this interval, the Itahans had no superior and Innocent availed himself of it to maintain the

of the house of Lst. But I had not been able to satisfy myself by the period of some dry and tedoc dissertations in St. Marc, a Marc, a Carondograph de I flat de I fache to who, with learning search inferior to that of Muraton, possessed more opportunity and inclination to speak out.

It is thus those less to look for explicit information upon the rights and pretensions of the Roman seem. Italian writers or not the cighteenth century. Murator, the most learned, and upon the whole the fairest of them all, moves crute usly over this ground, except when the claims of Rome happen to clash with those of Rome happen to clash with those

pretensions of the see. These he backed by the CHAP production of rather a questionable document, the will of Henry VI , said to have been found among the baggage of Marquard, one of the German soldiers, who had been invested with fiels by the relision late emperor. The cities of what we now call Induced by the ecclesiastical state had in the twelfth century by their own municipal government like those of Lombardy, but they were far less able to assert a complete independence They gladly, therefore, put themselves under the protection of the Holy So, which held out some prospect of securing them from Marquard, and other rapacious parmans, without disturbing their internal regula-Thus the duchy of Spoleto and march of Ancona submitted to Innocent III, but he was not strong enough to keep constant possession of such extensive territories, and some events afterwards adopted the prudent course of granting Ancona in hef to the marquis of Este not, as may be supposed, neglect his authority at home, the prefect of Rome was now compelled to swear allegiance to the pope, which put an end to the regular imperial supremacy over that city, and the privileges of the citizens were abridged This is the proper aera of that temporal sovereignty, which the bishops of Rome possess over their own city, though still prevented by various causes, for nearly three centuries, from becoming unquestioned and unlimited

The policy of Rome was now more clearly defined than ever. In order to preserve what she

CHAP
HI
PARTI
LEAGUE of Luncary

had thus suddenly gained rather by opportunity than strength, it was the interest to enfeeble the imperial power, and consequently to maistain the freedom of the Italian republics. Tuscant had hitherto been ruled by a margins of the emperor's appointment, though her cities were flourishing and, within themselves, independent. In imitation of the Lombard confederacy, and impelled by Innocent III, they now with the exception of Pisa, which was always strongly attached to the empire formed a similar league for the preservation of their rights. In this leaving the influence of the pope was far more strongly in unitested than in that of Lombardy Although the latter had been in alliance with. Alexander 111, and was formed during the height of his dispute with Frederic, this ecclesiastical quarrel mingled so little in their struggle for libetty, that no allusion to it is found in the act of their confederacy. But the Tuscar umon was expressly established " for the honour and aggrandizement of the apostolic secmembers bound themselves to defend the possessions and rights of the church, and not to acknowledge any king or emperor, without the approbation of the supreme pontiff. The Tuscans accordingly were more thoroughly attached to the church party, than the Lombards, whose principle was animosity towards the house of Swabia

Quad possessiones et jura secrosancta ecclesia bona fich defenderent, et quad nullum in regem aut imperatorem reciperent,

nisi quim Romanus pontifex approbant. Muritori, Dissert 45 (Latin tin p. 20. Italian, tim p. 112.)

Hence when Innocent III some time after, sup- CHAP ported Frederic II against the emperor Otho IV the Milanese and their allies were arranged on the imperial side, but the Tuscans continued to adhere to the pope

In the wars of Frederic Barbarossa, igainst Milan, Extracol and their allies, we have seen the cities of Lone- tools and bandy divided, and a considerable number of them firmly attached to the imperial interest not appear, I believe, from history, though it is by no means improbable, that the citizens were at so carly a time divided among themselves, as to then the of public policy, and that the adherence of a particular city to the emperor, or to the Lombard bague, was only, as proved afterwards the case, that one faction or mother acquired an ascendancy netts councils But palouses long existing between the different classes, and only suspended by the national struggle which terminated at Constance, gave use to new modifications of interests, and new relations towards the empire. About the year 1200, or perhaps a little later, the fwo leading parties which divided the cities of Lombardy, and whose mutual animosity, having no general subject of confention, required the association of a name to direct as well as invigorate its projudices, became distinguished by the celebrated appellations of Guelts and Glubelius, the former adhering to the papal side, the latter to that of the emperor These names were derived from Germany, and had been the rallying word of faction for more than half a century in that country, before they were

CII A P III PART I transported to a still more favourable soil. The Guelfs took their name from a very illustrious ia. mily, several of whom had successively been dukes of Bayaria in the tenth and eleventh centuries The heiress of the last of these intermarried with a younger son of the house of Este, a noble family settled near Padua, and possessed of great estates on each bank of the lower Po They gave birth to a second line of Guells, from whom the royal house of Brunswic is descended The name of Ghibelin is derived from a village in Francoure whence Conrad the Sahe came, the progenitor through females, of the Swabian emperors the election of Lothaue in 1125, the Swabin family were disappointed of what they considered almost an hereditary possession, and at this time an hostility appears to have commenced between them and the house of Guelf, who were nearly related to Lothane Henry the Prond and his son Henry the Lion, representatives of the latter family, were frequently persecuted by the Swabian emperors, but their fortunes belong to the history of Germany . Meanwhile the branch, though not reserved for such glorious destimes as the Guelts, continued to flourish in Italy. the marquises of Este were by far the most powerful nobles in eastern Lombardy, and about the end of the tweltth century began to be considered as

fore we find the denominations transferred to Italy Strumus Corpus Hist German p 379 and Mutaton, A D 4152

The German origin of their relebrated factions is clearly proved by a passage in Otho of Frisingen who have half a century be-

heads of the church party in their neighbourhood. They were frequently chosen to the office of podesta, or chief magistrate, by the cities of Romagna, and, in 1208, the people of Ferrara set the latal example of sacrificing their freedom for tranquility, by electing Azzo VII marquis of Este as their lord or sovereign.\*

CHAP III PART I.

Otho IV was son of Henry the Lion, and cont of any sequently head of the Guelis On his obtaining the imperial crown, the prejudices of Italian rations were diverted out of their usual channel He was soon engaged in a quarrel with the pope, whose hostility to the empire was certain, into whatever hands it might fall. In Milan, however, and generally in the cities which had belonged to the Lombard Jeague against Frederic L hatred of tac house of Swabia prevailed more than jealousy of the imperial prerogatives, they adhered to names rather than to principles, and supported a Guell emperor even against, the pope this description, having no definite relation to principles which it might be troublesome to learn and detend, are always acceptable to mankind, and have the peculiar advantage of precluding altogether that spirit of compromise and accommodation, by which it is sometimes endeavoured to obstruct their tendency to hate and injure each From this time, every city, and almost every citizen, gloried in one of these barbarous denominations. In several cities the imperial

Sismondi, t ii p. 329

CHAP. PART I TALY

party predominated through hatred of their neigh bours, who espoused that of the church. Thus the inveterate lends between Pisa and Florence Modena and Bologna, Cremona and Milan, three them into opposite factions. But there was in every one of these a strong party against that which prevailed, and consequently a Guelferty frequently became Glibelin, or conversely, as cording to the fluctuations of the time \*

Fredrick II

The change to which we have adverted in the. politics of the Guelt party lasted only during to reign of Otho IV. When the heir of the hoise of Swabia grew up to manhood, Innocent, who, though his guardian, had taken little care of his interests, as long as he flattered himself with the hope of finding a Guelt emperor obedient, places the young Frederic at the head of an opposition

apprecial agains in the district the Miners to restaution be rest to noted? Semine Let p of Som 1477, Innex Som anderes of tenteling relies to eachdeth regard. of Savis as a Coulf. Specier temperation the content of state, the same distinctions ropear to have been preserved stall for Section Inferior in 1400 speak tainflurly of them. Seriet Rev. Ital Cin. p. 1-29. And escent the conquest of Milan by Louis XII in 1500, the Courts of that cits are represented as atti be tt. the French party, while it is (slub) line abetted Indovice Storga and Mammilian Courcearding, je 200 Other passure in the same historian shew these futions to have been alive in various parts of Italy

<sup>\*</sup> For the Chiefe and Carbella factions, he ides the heterialis, the Sixted escriators in Alberton de gal be real. There was degree of maccorney's high automotion he speaks of the redistraction or pining at the beginning of the fir-ப்பார் பார்கூட் (குரிவரும் எ vero, abbond couch' caso di morte goro a challa scopero sara nona i pretesto delle farion, culdette Solamente ritriniero esse piede in denne privati reculie. Antichia Didrine, tim p. 141. But ceptaints the comes of totall and Chibelio as parts districted, may be traced all through the fit teenth century. The former faction shewed itself distinctly in the insurrection of the entire subject to Milan, upon the death of Gian Galeano Visconti in 1404. It

composed of cities always attached to his family, CHAP and of such as implicitly followed the see of Rome He met with considerable success both in Italy and Germany, and, after the death of Otho, received the imperial crown. But he had no longer to expect any assistance from the pope who conferred it. Innocent was dead, and Honorius III, his successor, could not behold without approbension the vast power of Frederic supported er lombardy by a faction which balanced that of the church, and menacing the ecclesiastical territories on the other side, by the possession of Vaples and Sterly This kingdom, tendatary to Rena, and long her firmest ally, was now, by a tatel connexion which she had not been able to prevent, thrown into the scale of her most dan-Hence the temporal dominion crous enemy "high Innocent III had taken so much pains to establish, became a very precanous possession, exposed on each side to the attacks of a power, that had legitimate protensions to almost every province composing it. The life of Frederic II was wasted in an unceasing contrition with the church, and with his Italian subjects, whom she excited to rebellions against him Without inveighing, like the popish writers, against this prince, ecrtainly an encourager of letters, and endowed with many eminent qualities, we may lay to his charge a good deal of dissimulation, I will not add ambition, because I am not aware of any period in the reign of Frederic, when he was not obliged to act on his defence against the

PARTI HALL

CHAP. aggression of others. But if he had been a model of virtues, such men as Honorius III., Gregory IX. and Innocent IV. the popes with whom he had successively to contend, would not have given him respite, while he remained master of Naples, as well as the empire

.. It was the custom of every pope to urge princes into a crusade, which the condition of Palestine rendered indispensable, or, more properly, desperate. But this great piece of supererogatory devotion had never yet been raised into an absolute duty of their station, nor had even private persons been ever required to take up the cross by compulsion Honorius III, however, exacted a vow from Frederic, before he conferred upon him the imperial crown, that he would undertake a crusade for the deliverance of Jerusalem Frederic submitted to this engagement, which perhaps he never designed to keep, and certainly endeavoured afterwards to evade. Though he became by marriage nominal king of Jerusalem. 1 his excellent under-

public policy of Rome has long displaced the pacific temper of weakness, the thermometer of ecchainstical sentiment in that city stands very nearly as high, as in the tharteenth century (mannone, who maffered for his boldness, has drawn Prederic II very favourably, perhaps too favourably, in the 16th and 17th books of the laturia Civile di Napoli

† The second wife of Frederic was Iolante, or Violante, daughter of John, count of Brisane, by Mana, eldest daughter and bourses of Imbella, wife of Courad mar-

<sup>\*</sup> The rancour of bigoted (atholics against I redern has bardly subsided at the present day. A very moderate commendation of him in Tiraboschi, vol iv t 7 was not suffered to pass uncontradicted by the Roman editor And though Muraton shews quite enough prejudice against that emperor's character, a herce Roman bigot, whose animadversions are printed in the 17th volume of his annels, (8vo edition) flies into pesoxysms of fary at every syllable that looks like moderation. It is wall known, that, although the

standing was not captivated with so barren a pros- CHAP. nect, and at length his delays in the performance of his vow provoked Gregory IX to issue against him a sentence of excommunication. thunderbolt was not to be lightly regarded, and Frederic sailed, the next year, for Palestine. having disdained to solicit absolution for what he considered as no crime, the court of Rome was excited to still fiercer indignation against this profauation of a crusade by an excommunicated sovereign. Upon his arrival in Palestine, he received intelligence that the papal troops had broken into the kingdom of Naples. No one could rationally have blamed Frederic, if he had quitted the Holy Land as he found it, but he made a treaty with the Saracens, which, though by no means so disadvantageous as under all the circumstances might have been expected, served as a pretext for new calumnies against him in Europe. charge of irreligion, eagerly and successfully propagated, he repelled by persecuting edicts against heresy, that do no great honour to his memory,

PART L HALY.

ques of Montferrat This Isabella was the voungest daughter of Me tairs or Amaury, king of bern salem, and by the deaths of her brother Buldwin IV of her eldest unter Sibilla, wife of Guy de Lusignan, and that sisters child Baldwin V, succeeded to a claim upon Jerusalem, which, since the returns of validits, was not very profitable. It is said that the kings of haples deduce their title to that sounding inheritance from the marriage of Frederic, (Cian-

none, I, xvi a \_ ) but the extinction of Frederic's posterity must have, strictly speaking, put an end to any right derived from him, and to majore himself male are a better title by the cession of Maria, a princess of Antioch, and lexitimatcherress of Jerusalem, tot barles of Anjou in 1272. How far, indeed, this may have less a regularly transmitted to the present king of Naples, I do not know, and see sure that it is not worth while to eritpai

CHAP III PARLI

and availed him little at the time. Over his Neapolitan dominions he exercised a rigorous government, rendered perhaps necessary by the levity
and insubordination characteristic of the inhabitants, but which tended, through the artful representations of Honorius and Gregory, to alarm and
alienate the Italian republic.

His was with the La digits

A new generation had risen up in Lombardy since the peace of Constance, and the prerogatives reserved by that treaty to the empire were soseldom called into action, that few cities were disposed to recollect their existence They denominated themselves Guelts or Chibelius, according to habit, and out of their mutual opposition, but without much reference to the empire however of the former party, and especially Milan. retained their antipathy to the House of Swabia Though Frederic II was entitled, as far as established usage can create a right, to the sovereignty of Italy, the Wilanese would never acknowledge him, nor permit his coronation at Monza, according to aneuent ceremony, with the iron crown of the Lombard kings. fomented, to the utmost of his power, this disaffected spirit, and encouraged the Lombard cities to renew their former league This, although conformable to a provision in the treaty of Constance, was manifestly hostile to Frederic, and may be considered as the commencement of a second contest between the republican cities of Lombardy and the empire But there was a striking difference between this and the former

HALY

confederacy against Frederic Barbarossa. In the CHAP league of 1167, almost every city, forgetting all smaller animosities in the great cause of detending the mitional privileges, contributed its share of exertibit to sustain that perilous conflict, and this transiest unanimity in a people so distracted by internal faction as the Lombards is the surest witness to the justice of their undertaking. Sixfy years afterwards, then war against the second Frederic had less of provocation and less of public spirit. It was in fact a party struggle of Gueli and Ghibelin cities, to which the names of the church and the empire gave more of dignity and consistence

The republics of Italy in the thirteenth century warm were so numerous and independent, and then looped revolutions so frequent, that it is a difficult matter 1915 to avoid confusion in following them history will give more arrangement to our ideas, and at the same time illustrate the changes that took place in these little states, it we consider them as divided into four clusters or constellations, not indeed unconnected one with another, yet each having its own centre of motion, and its own The first of these we may suppose boundaries formed of the cities in central Lombardy, between the Sessia and the Adige, the Alps and the Ligurian inountains, it comprehends Milan, Cremona, Pavia, Breseia, Bergamo, Parma, Piacenza, Mantua, Lodi, Alessandiia, and several others less dis-These were the original seats of Italian liberty, the great movers in the wars of the

CHAP
HI
PART I

elder Prederica Milan was at the head of this cluster officities, and her influence gave an ascendancy to the Guelt party she had? since the treaty of Constance rendered Lodi and Pavia almost her subjects, and was in strict union with Brescia and Parma, however, and Cremona, were unshaken defenders of the empire. In the second class we may place the cities of the March of Verona, between the Adige, and the frontiers of Germany Of these there were but four with . mentioning; Verona, Vicenza, Padua, and Treviso The citizens in all the four were inclined to the Guelf interests, but a powerful body of rural nobility, who had never been compelled like those upon the upper Po, to quit their fortiesses in the hilly country, or reside within the walls, attached themselves to the opposite denomination \* Some of them obtained very great authority in the civil feuds of these four republies and especially two brothers, Eccelin and Alberte da Romano, of a righ and distinguished family, known for its devotion to the empire. By extraordinary vigour and decision of character, by dissimulation and breach of oaths, by the intimidating effects of almost unphralleled cruelty. Eccelin da Romano became after some years the absolute master of three cities. Padua, Verona, and Vicenza; and the Guelf party, in consequence, was entirely subverted beyond the Adige, during the continuance of his

<sup>\*</sup> Sismondi, Lii p. 222

tyranny.\* Another cluster was composed of the CHAP cities in Romagna, Bologna, Imola, Facuza, Ferrara, and several others. Of these Bologna was far the most powerful, and, as no city was more HALY steadily for the interests of the church, the Guelfs usually predominated in this class, to which also the influence of the house of Este not a little contributed. Modena, though not geographically' within the limits of this division, may be classed all with it, from her constant wars with Bologina. A fourth class will comprehend the whole of Tuscany, separated aimost entirely from the politics of Lombardy and Romagna - Florence headed the Guelf cities in this province, Pisa the Glibelin The Tuscan union was formed, as has been said above, by Innocent III, and was strongly inclined to the popes, but gradually the Ghibelin party acquired its share of influence cand the cities of Siena, Arczzo, and Lucca shifted their policy, according to external encumstances, or the fluc-The petty tuations of their internal factions. cities in the region of Spoleto and Ancona hardly perhaps deserve the name of republics, and Genoadoes not readily fall into any of our four classes,

 The crucker of Eccelor ex cited universal horror in an acc. when inhuminity towards enemies was as common as fear and revenge could make it. It was an usual trick of beggars, all over Itale, to protend that they had been deprived of their eyes or himbs by the Veronese tyrant There is hardly an instance in European listory of so sunguinary

a government subsisting for more than twenty years. The entire of Lecelin are remarkably well as thenticated by the testimons of several contemporary writing who enter into great details. Most of these are found in the accenth volume of Semptores Rerum Italicaruna Sismonti, tin p 33 111 203 is more full than any of the moderns

CHAP III FARTI unless her wars with Pisa may be thought to connect her with Tuscany \*

After several years of transient hostility and precarious truce, the Guelf cities of Lombardy engaged in a regular and protracted war with Frederic H or more properly, with their Ghibelin adversaries. Tew exents of this contest deserve particular notice. Neither party ever obtained such decisive advantages as had alternately belonged to Frederic Barbarossa and the Lombard confederacy, during the war of the proceeding century. A defeat of the Milanese by the emperor, at Corte Nuova, in 1237 was balanced by his unsuccessful siege of Bieseia the next year The Pisans assisted Frederic to gain a great naval victory over the Genoese fleet, in 1241, but he was obliged to rise from the blockade of Parma. which had left the standard of Glubeliusm in Ultimately however, the strength of the house of Swabia was exhausted by so techous a struggle, the Glubelius of Italy had then vicissitudes of success, but their country, and even

to certs that in property be considered as a separate to a certification to tenth the tenth century, was Vercella, as to can be to the table processor to have proceed a sorreof temperal sorreof temperal sorreof temperal sorreof and 170%, level to publish in his old age a history of western Italy, or Piedmant, from which I have gleaned a his facts. Internal delt. Italia. Occidentale. Torno, 1800, 6 vols. 200.

<sup>\*</sup> I have taken the notice of Predment in this device. Do history of that country is far less clined ded by amount or modern writers than that of other parts of Italy. It was at the time divided between the counts of Savovint, marquises of Memberret. But Asti, Chieri, and Turni especially the two former, appear to how had a republic an form of government. They were however not absolutely independent. The only Predmen

themselves, lost more and more of the ancient CHAP connexion with Germany

PARTI

In this resistance to Frederic II, the Lombards were much indebted to the constant support of Gregory IX, and his successor Innocent IV and the Guelf, or the church party, were used as synonymous terms . These pontiffs hore an unquenchable hatred to the house of Swabia concessions mitigated their animosity, no recon- ciliation was sincere. Whatever faults may be imputed to Frederic, it is impossible for any one, not blindly devoted to the court of Rome, to deny, that he was impurtously proscribed by her unprincipled His real crime was the inheritance of his ancestors, and the name of the house of Swa-56a In 1239, he was excommunicated by Gregory To this he was tolerably accustomed by former experience, but the sentence was attended by an absolution of his subjects from their allegrance, and a formal deposition tences were not very effective upon men of vigorous minds, or upon those whose passions were engaged in their cause but they influenced both those who feared the threatenings of the clergy, and those who wavered already as to their line of political conduct. In the fluctuating state of Lombardy, the excommunication of Frederic undermined his interests even in cities, like Parina, that had been friendly, and seemed to identify the cause of his enemies with that of religion prejudice, artfully fomented by means of calummes propagated against himself, and which the

CHAP III PART I ITALY

conduct of such leading Ghibelins as Eccelin, who lived-in an open defiance of God and man, did not contribute to lessen. In 1240, Gregory proceeded to publish a crusade against Frederic, as if he had been an open enemy to religion, which he revenged by putting to death all the prisoners he made who wore the cross. There was one thing wanting to make the expulsion of the emperor from the Christian commonwealth more complete Gregory IX, accordingly projected, and Innocent. IV carried into effect, the convocation of a general council This was held at Lyons, an imperial city, but over which Frederic could no longer retain his supremacy. In this assembly, where one hundred and forty prelates appeared, the question, whether Frederic ought to be deposed, was solemnly discussed, he submitted to defend himself by his advocates, and the pope in the presence, though without formally collecting the suffrages of the council, pronounced a sentence, by which Frederic's excommunication was renewed, the empire and all his kingdoms taken away, and his subjects absolved from then fidelity This is the most pompous act of usurpation in all the records of the church of Rome, and the tacit approbation of a general council seemed to incorporate the pretended right of deposing kings, which might have passed as a mad vaunt of Gregory VII and his successors, with the established faith of Christendom.

Upon the death of Frederic II. in 1250, he left contest to his son Conrad a contest to maintain for every

Consilier 1vc s 1247

part of his inheritance, as well as for the imperial CHAP. But the vigour of the house of Swabia was gone: Conrad was reduced to fight for the kingdom of Naples, the only succession which he could hope to secure against the troops of Innocent IV, who still pursued his family with implacable hatred, and claimed that kingdom as forfeited to its feudal superior, the Holy See After Conrad's premature death, which happened in 1254, the throne was filled by his legitimate brother Manfred, who retained it by his bravery and address, in despite of the popes, till they were compelled to call in the assistance of a more powerful arm

11 41 4

The death of Conrad brings to a termination that period in Italian history which we have described as nearly co-extensive with the greatness of the It is perhaps upon the whole house of Swibia the most honomable to Italy, that, in which she displayed the most of national energy and patriot-A Florentine or Venetian may dwell with pleasure upon later times, but a Lombard will east back his eve across the desert of centuries. till it reposes on the field of Legnano changes followed in the foreign and internal policy, in the moral and military character of Italy before we descend to the next period, it will be necessary to remark some material circumstances in that which has just passed under our review

The successful resistance of the Lombard cities Cause of to such princes as both the Frederics must astonish diam a reader, who brings to the story of these middle

CHAP III. PARTI ITALY.

ages notions derived from modern times. when we consider not only the ineffectual controll which could be exerted over a feudal army, bound only to a short term of service, and reluctantly kept in the field at its own cost, but the peculiar distrust and disaffection with which many German princes regarded the house of Swabra, less reason will appear for surprize Nor did the kingdom of Naples, almost always in agitation, yield any materral aid to the second Frederic. The main cause, however, of that triumph which attended Lombardy was the intrinsic energy of a free govern-From the eleventh century, when the cities became virtually republican, they put out those vigorous shoots which are the growth of freedom alone Then domestic leads, then mutual wars, the fierce assults of their national enemies, checked not then strength, then wealth or their population, but rather as the limbs are nerved by labour and hardship the republics of Italy grew in vigour and contage, through the conflicts they sustained. If we but remember what savage heence prevailed during the ages that preceded their rise, the rapine of public robbers, or of feudal nobles little differing from robbers, the contempt of industrious aits, the inadequacy of penal laws and the impossibility of carrying them into effect we shall form some notion of the change which was wrought in the condition of Italy by the growth of its cities. In comparison with the blessings of industry protected, injustice controuled, emulation awakened, the disorders which

١,

PARTI

ruffled their surface appear slight and momentary. CHAP I speak only of this first stage of their independence, and chiefly of the twelfth century, before those civil dissensions had reached their height, by which the glory and prosperity of Lombardy were soon to be subverted

We have few authentic testimonics as to the domestic improvement of the free Italian cities, while they still deserve the name. But we may perceive by history, that their power and population, according to their extent of ferritory, were In Galvaneus Flamma, a Mialmost meredible lanese writer, we find a curious statistical account of that city in 1288, which though of a date about thirty years after its liberties had been overthrown by usurpation, must be considered as implying a high degree of previous advancement, even if we make allowance, as probably we should, for some exaggeration. The inhabitants are reckoned at 200,000, the private houses 13,000, the nobility alone dwelt in sixty streets. 8,000 gentlemen, or heavy cavalry milites might be mustered from the city and its district, and 240,000 men capable of arms, a force sufficient, the writer observes, to crush all the Saracens. There were in Milan six hundred notaries, two hundred physicians, eighty schoolmasters, and fifty transcribers of manuscripts. In the district were one hundred and fifty castles with adjoining Such was the state of Milan, Flamma concludes, in 1288, it is not for me to say, whePART I ~~

CHAP, ther it has gained or lost ground since that time \* At this period, the territory of Milan was not perhaps more extensive than the county of Surrey. ITALY. it was bounded, at a stille distance, on almost every side, by Lodi, or Pavia, or Bergaino, or Como. It is possible, however, that Flamma may have meant to include some of these as dependencles of Milan, though not strictly united with it How flourishing must the state of cultivation have been in such a country, which not only drew no. supplies from any foreign land, but exported part of her own produce! It was in the best age of their liberties, immediately after the battle of Legnano, that the Milanese commenced the great canal which conducts the waters of the Tesmo to their capital, a work very extraordinary for that time. During the same period the cities gave proofs of internal prosperity that in many instances have descended to our own observation, in the solidity and magnificence of their architecture. Ecclesiastical structures were perhaps more splendid in France and England, but neither country could pretend to match the palaces and

the praises of Azzo, asserts therein, that he had greatly improved the beauty and convenience of the city, though Brescia, Crimona, and other places had declined Asarus too, a writer of the same age, makes a similar representation Script Rer Ital t xvi p. 314 and 317. Of Luchino Vis-conti be says, Statum Mediolani reintegravit in tantum, quod nun civitas, sed provincia valebatur,

<sup>\*</sup> Muraton, Script, Rerum Italic t xi This expression of Flamma may seem to intimate, that Milan had declined in his time, which was about 1340 Yet as she had been continually advancing in power, and had not yet experienced any tyrannical government, I cannot imagine this to have been the case; and the same Flamma, who is a rest flatterer of the Visconti, and has dedicated a particular work to

public buildings, the streets flagged with stone, CHAP the bridges of the same material, or the commodious private houses of Italy \*

PART I.

The courage of these des was wrought some. HALY. times to a tone of insolent defiance, through the security inspired by their means of defence. From the time of the Romans, to that when the use of gunpowder came to prevail, little change ' was made, or perhaps could be made, in that part of military science which relates to the attack and defence of fortified places. We find precisely the same engines of offence; the cumbrous towers, from which arrows were shot at the besieged, the machines from which stones were discharged, the battering-rams which assailed the walls, and the basket-work covering (the vinea or testudo of the ancients, and the gattus or chatchateil of the middle ages under which those who pushed the battering engine were protected from the On the other hand, a city was fortified with a strong wall of brick or marble, with towers raised upon it at intervals, and a deep moat in front. Sometimes the ante-mural or barbacan was added, a rampart of less height, which impeded the approach of the hostile engines. The gates were guarded with a portcullis, an invention, which, as well as the barbacan, was borrowed from the Saracens † With such advantages for

<sup>\*</sup> Sismondi, t. iv p 176 Tira-boschi, t. iv p 426 See also the observations of Denina on the population and agriculture of Italy, 1 xiv c 9 10 chiefly indeed ap-

plicable to a period rather later than that of her free republics † Muraton, Antiquit Ital Dissert. 26

PARI L TTALY

CHAP, defence, a numerous and intrepid body of burghers might not unreasonably stand at bay against a powerful army; and as the consequences of capture were most terrifie, while resistance was seldom hopeless, we cannot wonder at the desperate bravery of so many besieged towns. Indeed it seldom happened that one of considerable size " was taken, except by famine or treachery. Tortona did not submit to Frederic Barbarossa, till the besiegers had corrupted with sulphur the only. fountain that supplied the citizens, nor Crema till her walls were overtopped by the battering engines. Ancona held out a noble example of sustaining the pressure of extreme famine. Brescia tried all the resources of a skilful engineer against the second Frederic, and swerved not from her steadiness, when that prince, imitating an atrocious precedent of his grandtather at the siege of Crema, exposed his prisoners upon his battering engines to the stones that were hurled by then fellow-citizens upon the walls.\*

Their inter-

Of the government which existed in the repuball govern- lies of Italy during the twelfth and thirteenth · centuries, no definite sketch can be traced chroniclers of those times are few and jejune; and, as is usual with contemporaries, rather intimate than describe the civil polity of their respective countries. It would indeed be a weary task, if it were even possible, to delineate the

<sup>\*</sup> See these surges in the second and third voltimes of Samondi That of Ancone, t. u. p 145-

<sup>206.</sup> za told with remarkable elegauce, and several meterosting cur-CHEST TRACES.

constitutions of thirty or forty little states which CHAP were in perpetual fluctuation. The magistrates elected in almost all of them, when they first began to shake off the jurisdiction of their count or bishop, were styled consuls; a word very expressive to an Italian car, since, in the darkest ages, tradition must have preserved some acquaintance with the republican government of Rome \* consuls were always annual, and then office com-, prehended the command of the national militia in war, as well as the administration of justice, and preservation of public order, but their number was various, two, four, six, or even twelve then legislative and deliberative councils, the Lombards still copied the Roman constitution, or perhaps fell naturally into the form most calculated to unite sound discretion with the exercise of popular sovereignty A council of trust and secresy della credenza was composed of a small number of persons, who took the management of public affairs, and may be called the ministers of the state. But the decision upon matters of general importance, treaties of alliance or declarations of war, the choice of consuls or ambassadors, belonged to the general council. This appears not to have been uniformly constituted in every city; and according to its composition, the government

PAREI. HALY

Ital t v. p 486 This is, I believe, the earliest mention of the magustrates Muratori, Apnali d'Italia, A D 1107

Landulf the younger, whose history of Milan extends from 1094 to 1132, calls himself publicorora officioram particeps et considen episiolarum dictator. Script. Rer

CHAP III PART L ITALY was more or less democratical. An ultimate sovereignty, however, was reserved to the mass of the people; and a parliament or general assembly was held to deliberate on any change in the form of constitution.

About the end of the twelfth century, a new and singular species of magistracy was introduced into the Lombard cities. During the tyranin of Frederic I. he had appointed officers of his own, called podestàs, instead of the elective consuls. It is remarkable that this memorial of despotic power should not have excited insuperable alarm and disgust in the free-republics But, on the contrary, they almost universally, after the peace of Con-Stance, revived an office, which had been abrogated when they first tose in rebellion against Fiederic From experience, as we must presume, of the partiality which their domestic factions carried into the administration of justice, it became a general practice to elect, by the name of podesta, a citizen of some neighbouring state, as their general, their criminal judge, and preserver of the peace last duty was frequently arduous, and required a vigorous as well as an upright migistrate. fences against the laws and security of the commonwealth were during the middle ages as often, perhaps more often, committed by the rich and powerful, than by the inferior class of society. Rude and licentious manners, family feuds and private revenge, or the mere insolence of strength,

<sup>\*</sup> Muratori, Dissert 46 and 52 Sussandi, t. i p 388.

rendered the execution of criminal justice, prac- CHAP tically and in every day's experience, what it is now in theory, a necessary protection to the poor against opposition. The sentence of a magistrate "IALY. against a powerful offender was not pronounced without danger of tumult, it was seldom executed without force. A convicted criminal was not, as at present, the stricken deer of society, whose disgrace his kindred shrink from participating, and , whose memory they strive to forget | Imputing his sentence to iniquity, or glorving in an act, which the laws of his fellow-citizens, but not their sentiments, condemned, he stood upon his defence amidst a circle of friends The law was to be enforced not against an individual, but a family, not against a family, but a faction; not perhaps against a local faction, but the whole Guelf or Ghibelin name, which might become interested in the quarrel. The podesta was to arm the republic against her refractory citizen, his house was to be besieged and razed to the ground, his defenders to be quelled by violence, and thus the people become familiar with outrage and homicide under the command of their magistrates, were more disposed to repeat such scenes at the instigation of their passions.\*

The podestà was sometimes chosen in a general assembly, sometimes by a select number of citizens His office was annual, though prolonged in pecu-

be copiously illustrated by \ illam's history of Piocence, and Stelle's annals of Genon

Sismondi, t. iii. p. 238. from whom the substance of these ob-servations is borrowed. They may

PART I. ITALY

CHAP, liar emergencies. He was, invariably, a man of noble family, even in those cities which excluded their own nobility from any share in the government. He received a fixed salary, and was compelled to remain in the city, after the expiration of his office, for the purpose of answering such charges as might be adduced against his conduct He could neither marry a native of the city, nor have any relation resident within the district, nor even, so great was their jealousy, eat or, drink in the house of any citizen. The authority of these foreign magistrates was not by any means alike in all cities. In some he seems to have superseded the consuls, and commanded the armies in war. In others, as Milan and Florence, his authority was increly judicial find, in some of the old annals, the years headed by the names of the podestas, as by those of the consuls in the history of Rome.\*

and dumen-

The effects of the evil spirit of discord, that had so fatally breathed upon the republics of Lombardy, were by no means confined to national interests, or to the grand distinction of Guelf and Ghibelin Dissensions glowed in the heart of every city, and as the danger of foreign war became distant, these grew more herce and unappeasable. The feudal system had been established upon the principle of territorial aristocracy; it maintained the authority, it encouraged the pride of rank. Hence, when the rural nobility were compelled to take up their residence in cities, they

Muratori, Dissert 46

preserved the ascendancy of birth and riches From the natural respect which is shewn to these advartages, all offices of trust and command were shared amongst them, it is not material whether this were by positive right, or continual usage. A limited aristocracy of this description, where the inferior citizens possess the right of selecting their magistrates by free suffrage from a numerous body of nobles, is not among the worst forms of govern-· ment, and affords no contemptible security against oppression and anarchy. This regimen appears to have prevailed in most of the Lombard cities during the eleventh and twelith centuries though, in so great a deficiency of authentic materials, it would be too peremptory to assert this as an unequivocal There is one very early instance, in the year 1041, of a civil war at Milan between the capitanci, or vass ils of the empire, and the plebeian burgesses, which was appeased, by the mediation of Henry III This is ascribed to the ill treatment which the latter experienced, as was usual indeed in all parts of Europe, but which was endured with inevitable submission every where else. this civil war, which lasted three years, the nobility were obliged to leave Milan, and carry on the contest in the adjacent plains, and one of their class, by name Lanzon, whether moved by ambition, or by virtuous indignation against tyranny, put himself at the head of the people "

CHAP III PART I. ITALY

Landulfus, Hist Mediolan in d'Italia A.D. 1044 St. Marc, è
 Script Rerum Ital t is p so in p 94
 Muratori, Dissert 52 Annali;

CHAP.
III.
PART L
ITALY.

From this time we scarcely find any mention of dissensions among the two orders, till after the peace of Constance; a proof, however defective the contemporary annals may be, that such disturbances had neither been frequent nor serious. A schism between the nobles and people is noticed .. to have occurred at Faenza in 1185. A serious civil war of some duration broke out between them at Brescia in 1200. From this time mutual jealousies interrupted the domestic tranquillity of other cities, but it is about 1220 that they appear to have taken a decided aspect of civil war, within a few years of that epoch, the question of aristocratical or popular command was tried by arms in Milan, Piacenza, Modena, Cremona, and Bologna \*

It would be vain to enter upon the ments of these feuds, which the meagre historians of the time are seldom much disposed to elucidate, and which they saw with their own prejudices writer of the present age would shew little philosophy, if he were to heat his passions by the reflection, as it were, of those forgotten animosities, and aggravate, like a partial contemporary, the fullings of one or another faction We have no need of positive testimony to acquaint us with the general tenor of their history. We know that a nobility is always insolent, that a populace is always intemperate, and may safely presume, that the former began, as the latter ended, by injustice and abuse of power. At one time the aristocracy,

<sup>\*</sup> Swinondi, t ii p 444 Muratori, Annali d'Italia, A D 1185, &c

not content with seeing the annual magistrates CHAP selected from their body, would endeavour by usurpation to exclude the bulk of the citizens from suffrage. At another, the merchants, grown proud by riches, and confident of their strength, would aim at obtaining the honours of the state, which had been reserved to the nobility the inevitable consequence of commercial wealth," and indeed of freedom and social order, which are · the parents of wealth. There is in the progress of civilization a term at which exclusive privileges must be relaxed, or the possessors must perish along with them. In one or two cities a temporary compromise was made through the intervention of the pope, whereby offices of public trust, from the highest to the lowest, were divided, in equal proportions or otherwise, between the This also is no bad expenobles and the people dient, and proved singularly efficacious in appeasing the dissensions of Rome

There is, however, a natural preponderance in the popular scale, which, in a fair trial, invaliably gains on that of the less numerous class. artizans, who composed the bulk of the population, were arranged in companies according to their occupations. Sometimes, as at Milan, they formed separate associations, with rules for their internal The clubs, called at Milan la government. Motta and la Credenza, obtained a degree of weight not at all surprizing to those who consider

Muritori, Diesert 52 Semondi, t in p. 262

ITALY.

CHAP, the spirit of mutual attachment which balengs to such fraternities; and we shall see a more striking instance of this hereafter in the republic of Florence. To so formidable and organized a democracy, the nobles opposed their numerous families. the generous spirit that belongs to high birth, the influence of wealth and established name. The members of each distinguished family appear to have lived in the same street, their houses were fortified with square massive towers of commanding height, and wore the semblance of castles within the walls of a city. Brancaleon, the famous senator of Rome, destroyed one hundred and forty of these domestic entrenchments, which were constantly serving the purpose of civil broils and outrage Expelled as frequently happened, from the city, it was in the power of the nobles to avail themselves of their superjority in the use of cavalry, and to lay waste the district, till weariness of an unprofitable contention reduced the citizens to terms of compromise. But, when all these resources were ineffectual, they were tempted or forced to sacrifice the public liberty to their own welfare, and lent their aid to a foreign master or a domestic usurper.

In all these scenes of turbulence, whether the contest was between the nobles and people, or the Guelf and Ghibelin factions, no mercy was shewn by the conquerors. The vanquished lost their homes and fortunes, and retiring to other cities of their own party, waited for the opportunity of In a popular tumult, the houses of the beaten side were frequently levelled to the ground,

not perhaps from a sort of senseless fary which CHAP Muratori inveighs against, but on account of the injury which these fortified houses inflicted upon the lower entirens. The most deadly hatred is that which men exasperated by proscription and forfeiture bear to their country; nor have we need to ask any other cause for the calamities of Italy. than the bitterness with which an unsubscessful faction was thus pursued into banishment. When the Ghibelins were returning to Florence, after a defeat given to the prevailing party in 1260, it was proposed among them to demolish the city itself which had cast them out, and, but for the persuasion of one man, Farmata degl' Uberti, their revenge would have thus extinguished all patriotism.\* It is to this that we must ascribe their proneness to call in assistance from every side, and to invite any scivitude for, the sake of retaliating upon their adversaries. The simple love of public liberty is in general, I fear, too abstract a passion to glow warmly in the human breast, and though often invigorated as well as deternimed by personal animosities and predilections, is as frequently extinguished by the same cause

Independently of the two leading differences which embattled the citizens of an Italian state, their form of government and their relation to the empire, there were others more contemptible.

> gions of his Infe-no - The conversation of the pest with laringta, caut 10 in serv fine, and illustrathe of Florentin history

PARTI ITALY.

<sup>&</sup>quot; (, Viliani, I vi c 82 54monds. I cannot forgive Dante for placing this patriot tra l'anime più nere, in one of the worst re-

PART L ITALY. though not less minchievous, the every city the quarrels of private families became the foundation of general schim, sedition, and proscription. Sometimes these blended themselves with the grand distinctions of Guelf and Ghibelin; sometimes they were more nakedly conspicuous. This may be illustrated by one or two prominent examplear-Imilda de' Lambertani, a noble young lady at Bologna, was surprized by her brothers in a secret interview with Boniface Gieremei, whose family had long been separated by the most inveterate enmity from her own. She had just time to escape: while the Lambertazzi dispatched her lower with their poisoned daggers. On her return. she found has body still warm, and a faint hope suggested the remedy of sucking the venom from his wounds. But it only communicated itself to her own verus; and they were found by her attendants, stretched lifeless by each other's side So cruel an outrage wrought the Gieremei to madness; they formed alliances with some neighbouring republics; the Lambertazza took the same measures; and after a fight in the streets of Bologna, of forty days duration, the latter were driven out of the city, with all the Ghibelins. their political associates. Twelve thousand citizens were condemned to banishment: their houses razed, and their estates confiscated.\* Florence was at rest, till, in 1215, the assassination of an

Italian novel, and not an unnatural

<sup>\*</sup> Sasmondi, t in p 442 This story may suggest that of Romeo picture of manners. and Juliet, itself founded upon an

individual produced a mortal feud between the CHAP. families Buondelmenti and Uberti, in which all the city took a part. An outrage committed at Pistoja, in 1300, split the inhabitants into the parties of Bianchi and Nern; and these appending to Florences created one of the most virulent divisions which annoyed that republic. In one of the changes which attended this little remissation of faction, Florence expelled a young citizen who · had borne offices of magistracy, and espoused the cause of the Bianchi. Dante Alighieri retired to the courts of some Ghibelin princes, where his sublime and inventive mind, in the gloom of exile, completed that enginal combination of vast and extravagant conceptions with keen political satire, which has given immortality to his name, and even lustre to the petty contests of his time."

In the earlier stages of the Lombard republics, their differences, as well mutual as domestic, had been frequently appeased by the mediation of the emperors: and the loss of this salutary influence may be considered as no slight evil attached to that absolute emancipation which Italy attained in the thirteenth century. The popes sometimes endeavoured to interpose an authority, which, though not quite so direct, was held in greater veneration; and, if their own tempers had been always pure from the selfish and vindictive passions of those whom they influenced, might have produced more

Dino Compagni, in Ser Rer Ital Lax Villani Ist Fiorent 1 vitt. Dante, passim

PART L

ITALY.

CHAP general and permanent good. But they considered the Ghibelins as their own peculiar enemies, and the triumph of the opposite faction as the church's best security 'Gregory X and Nicholas III., whether from benevolent motives, or because their leafousy of Charles of Anjou, while at the head of the Guelfs, suggested the revival of a Ghibelin party at counterpoise to his power, distinguished their pontificate by enforcing measures of reconciliation in all Italian cities; but their successors returned to the ancient policy and prejudices of Rome.

Ciovanni di \ inetiza

The singular lustory of an individual far less elevated in station than popes or emperors, Fia Giovanni di Vicenza, belongs to these times, and to this subject. This Dominican friar began his career at Bologna in 1233, preaching the cessation of war, and forgiveness of injuries. repaired from thence to Padua, to Verona, and the neighbouring cities. At his command men laid down their instruments of war, and embraced their enemies. With that susceptibility of transient impulse natural to popular governments, several republics implored him to reform their laws and to settle their differences meeting was summoned in the plain of Paquara, upon the banks of the Adige The Lombards poured themselves forth from Romagna and the cities of the March, Guelfs and Ghibelins, nobles and burghers, free citizens and tenantry of feudal lords, marshalled around their carroccios. caught from the lips of the preacher the illusive

promise of universal peace. They submitted to CHAP. agreements dictated by Fra Giovanni, which contain little else than, a mutual amnesty; whether it were that their quarrels had been really without object, or that he had dexterously avoided to determine the real points of contention. But power and reputation suddenly acquired are transitory. Not satisfied with being the legislator and arbiter of Italian cities, he aimed at becoming their master; and abused the enthusiasm of Vicenza and Verona, to obtain a grant of absolute sovereignty. Changed from an apostle to an usurper, the fate of Fra Giovanni might be predicted, and he speedily gave place to those, who, though they made a worse use of their power, had, in the eyes of mankind, more natural pretensions to possess it \*

PART I. ITALY.

written account? Sismondi, t. ii. \* Tiraboschi, Storia della I+tp 484 • teratura, this pi 214, calvery well-

## PART II.

State of Italy after the Extinction of the House of Swater Conquest of Maples by Charles of Anyou-The Lomband Republics become I severally subject to Princes or Universe. The Visconts of Milan -their Aggrandizement - Declar of the Imperial America, over Italy-Internal State of Rome-Rienzs-Flower her forms of Government Instorically traced to the end the fourteenth Century-Conquest of Pua-Pisa-its Commerce, Mircal Hais \* with Genoa, and Decay-Galla-her Contentums with Venue-War of Changen - Government of Genoa - I encounted frigin and Prosperity-Montion Government-its I ices-Territorial Compares of Venuce-Military System of Italy-Companies of Draccio, gorna-Improventie in Military Service-Arms, of fensive and defensive-Invention of Gunpowder-Naples-First Lene of Anyou-Joanna I.-Ladulaus-Joanna II - Francis Sforza becomes Duke of Millin - Alfonza, King of paper - State of Italy during the fifteenth Centumy-Florence-Rise of the Medics, and Rum of they Advergants-Pletenmons of Charles VIII: to Naples.

CHAP. Facinithe death of Frederic II. in 1250, to the invasion of Charles VIII. in 1494, a long and undistinguished period occurs, which it is impossible to break into any natural divisions. It is an age, in many respects, highly brilliant; the age of poetry and letters, of art, and of continual improvement. Italy displayed an intellectual superiority in this period over the Transalpine nations, which certainly had not appeared since the destruction of the Roman empire. But her political history

presents a labyrinth of petty facts, so obscure and BHAP. of so little influence as not to arrest the attention; so intricate and incapable of classification, w to leave only confusion in the memory. The general events that are worthy of notice, and give a character to this long period, are the establishment of small tyrannies upon the ruins of republican government in most of the cities, the gradual rise of three thirderable states, Vilan, Florence, and Venice, aval and commercial rivalry between the last city and Genoa, the final acquisition by the popes of their present territorial sovereignty, and the volutions in the kingdom of Naples under the lines of Anjou and Aragon.

After the death of Frederic II. the diatinctions of Guelf and Ghibelin acame destinie of all rational meaning. The most oxlious crimes were constantly perpetrated, and the utmost miseries endured, for an ceho and a shade, that mocked the deluded enthusiass of faction. None of the Guelfs denied the nightinal, but indefinite sovereignty of the empire, and beyond a name the Ghibelins themselves would have been little disposed to carry it. But the virulent hatreds attached to these words grew continually more implacable, till ages of ignominy and tyrannical government had extinguished every energetic passion in the bosoms of a degraded people.

in the fall of the house of Swabia, Rome appeared to have consummated her triumph; and although the Ghibelin party was for a little time able to maintain itself, and even to gain ground

ITALY.

CHAME in the north of Italy, yet two events that occurred not long afterwards, restored the ascendancy of PART II. their adversaries. The first of these was the fall ITALY. of Eccelin da Romano, whose rapid successes in 1259 Lombardy appeared to threaten the establishment of a tremendous despotism, and induced a temporary union of Guelf and Ghibelin states, by which he was overthrown. The next, and far more unportant, was the change of dynasty in Naples Naples This kingdom had been occupied, after the death of Conrad, by his illegatimate brother, Manfred, in the behalf, as he at first pretended, of young 1254 Conradin the heir, but in fact as his own acquisition. He was a prince of an active and firm mind, well fitted for his difficult post, to whom the Ghibelins looked up as their head, and as the representative of his father. It was a natural object with the popes, independently of their ill will towards a son of Frederic II, to see a sove-Write religion on whom they could better rely placed upon so neighbouring a throne. Charles, count of Anjou, brother of St. Louis, was tempted by them to lead a crusade (for as such all wars for the interest of Rome were now considered) against the Neapolitan usurper. The chance of a battle decided the fate of Naples, and had a striking unfluence upon the history of Europe for several centuries Manfred was killed in the field, but there remained the legitimate heir of the Frederics, a boy of seventeen years old, Conradin, son of

Conrad, who rashly, as we say at least after the event, attempted to regain his inheritance. He

fell into the hands of Charles, and the voice of THAP those rude ages, as well as of a more enlightened posterity, has united in branding with everlasting infamy the name of that prince, who did not hesitate to purchase the security of his own title by the public execution of an honourable competitor, or rather a rightful claimant of the throne he had usurped. With Contadin the house of Swabia was extinguished, but Constance the daughter of Manfred had transported his right to Sicily and Naples into the house of Aragon, by her marriage with Peter III

II 🗘 I 1268

This success of a monarch, selected by the Decline of Roman Pontiffs as their particular champion, per turned the tide of faction over all Italy. He expelled the Ghibelins from Florence, of which they had a few years before obtained a complete command by means of their memorable victory After the fall of Conradin. upon the river Arbia. that party was every where discouraged many held out small hopes of support, even when the imperial throne, which had long been vacant, should be filled by one of her princes. populace were, in almost every city, attached to the church, and to the name of Guelf, the kings of Naples employed their arms, and the popes their excommunications, so that for the remainder of the thirteenth century, the name of Ghibelin was a term of proscription in the majority of ('harles was Lombard and Tuscan republics constituted by the pope vicar-general in Tuscany. This was a new pretension of the Roman pontiffs,

PART II. ITALY

CHAP, to name the lieutenants of the empire during its vacancy, which indeed could not be completely filled up without their consent It soon, however became evident, that he aimed at the sovereignty of Italy. Some of the popes themselves, Gregory X. and Nicholas IV, grew jealous of their own . . . creature. At the Congress of Cremona, in 1269, it was proposed to confer upon Charles the seigniory of all the Guelf cities, but the greater part were prudent enough to chuse him rather as . a friend than a master.\*

The Long bant crice

The cities of Lombardy, however, of either debacteries nomination, were no longer influenced by that portio lords, generous disdain of one man's will, which is to republican governments what chastity is to women a conservative principle, never to be reasoned upon, or subjected to calculations of utility. By force, or stratagem, or free consent, almost all the Lombard republics had already fallen under the yoke of some leading citizen, who became the lord Signore or, in the Grecian sense, tyrant of his country. The first instance of a voluntary delegation of sovereignty was that, above-mentioned, of Ferrara, which placed itself under the lord of Este Eccelin made himself truly the tyrant of the cities

pire, and either to acquire that tule himself, or it least to stand in the same relation as the emperors had done to the Italian states, which, according to the usage of the twelfth and thirteenth centuries, left them in possession of every thing that we call independence, with the reservation of a nonunal allegrance

<sup>\*</sup> Sistionali, t. in. p. 417. Soveral however, including Milan, took an outh of fidelity to Charles the same year abid. In 1274, he was lord of Alessandra and Pacents, and received tribute from Vilan, Bologna, and most Lombard cines Murators It was evidently his intention to avail himself of the vacuncy of the em-

beyond the Adige; and such experience ought CHAP naturally to have inspired the Italians with more universal abhorrence of despotism But every danger appeared trivial in the eyes of exasperated tactions, when compared with the ascendancy of their adversaries. Weary of unceasing and useless contests, in which ruin fell with an alternate but could hand upon either party, liberty withdrew from a people who disgraced her name; and the \* tumultuous, the brave, the intractable Lombards became eager to submit themselves to a master. and patient under the heaviest oppression. tyranny sometimes overstepped the limits of forbearance, and a seditious rising expelled the reigning prince, it was only to produce a change of hands, and transfer the impotent people to a difterent, and perhaps a worse, despotism . In many cities, not a conspiracy was planned, not a sigh was bicathed in favour of republican government, after once they had passed under the sway of a single The progress indeed was gradual though sure, from limited to absolute, from temporary to hereditary power, from a just and conciliating rule, But before the middle of to extortion and cruelty the fourteenth century, at the latest, all those cities

PART IL ITALY.

second upon the spot, put his son to death in cold blood, e por si fece signore della terra. Villani, I x c 00 observes like a good republican, that (nod had fulfilled in this the words of his (cospel, (query, what (cospel 's I will slay my enemy by my enemy, abbat-tendo l'uno tiranno per l'altro

<sup>.</sup> See an instance of the manner in which one tyrant was exchanged for another, in the fate of Passerino Bonaccorsi, lord of Mantua, in 1328 I uigi di Gonzaga surprized him, rode the city (corse la citta) with a troop of horse, crying, \ 172 il popolo, e muoja Messer l'asse. rino e le sue gabelle! killed Pas-

CHAP III PART II which had spurned at the faintest mark of submission to the emperors, lost even the recollection of self-government, and were bequeathed, like an undoubted patrimony, among the children of their new lords. Such is the progress of usurpation, and such the vengeance that Heaven reserves for those who waste in hierace and faction its first of social blessings, liberty.\*

 The Torra ni and Viscontini Mi Lin

The city most distinguished in both wars against the house of Swabia, for an unconquerable attachment to republican institutions, was the first to sacrifice them in a few years after the death of Milan had for a considerable time Predenc II been agitated by civil dissensions between the nobility and inferior citizens. These parties were pretty equally balanced, and their success was consequently alternate. Each had its own podesta, as a party-leader, distinct from the legitim itmagistrate of the city. At the head of the nobihty was their archbishop Fra Leon Perego, the people chose Martin della Toric, one of a noble family which had ambitiously sided with the de-In consequence of the crime of mocratic faction a nobleman, who had murdered one of his credi-

on red upon several occurrence. At Milan there was a council of one toble—not perminent or representative, but selected and convened at the discretion of the government, throughout the regime of the Visconia. Corio, p. 519, 583. Thus, as Sismondian marks, they remeated the sourceguty of the people, while they destroyed its liberty.

See the observations of Semonda, two p.212 on the conduct of the Londard segment. I know not of any I right word that characterizes them, except tyrant in its primitive sense, during the first period of their dominant. They were generally chosen in an assembly of the people, sometimes for a short term, prolonged in the same nonner. The people was connotner.

tors, the two parties took up arms in 1257 civil war of various success, and interrupted by several pacifications, which, in that unhappy temper, could not be durable, was terminated in about two years by the entire discomfiture of the aristocracy, and by the election of Martin della Torie as chief and lord capitano esignore of the people Though the Mil mese did not probably intend to renounce the sovereignty resident in their general assemblies, yet they soon lost the republican spirit five in succession of the family della Torre might be said to reign in Milan-cach indeed by a formal election, but with an implied recognition of a sort of hereditary title. Twenty years afterwards, the Vesconti, a family of opposite interests, supplanted the Torriani at Milan, and the rivality between these great houses was not at an end till the final establishment of Matteo Visconti in 1313, but the people were not otherwise considered than as aiding by force the one or other party, and at most deciding between the po tensions of their masters

The vigour and concert infused into the Guelt noval a party by the successes of Charles of Anjou was not party very durable. That prince was soon involved in a protracted and unfortunate quarrel with the kings of Aragon, to whose protection his revolted sub-On the other hand, jects in Sicily had recurred several men of energetic character retrieved the Ghibelin interests in Lombardy, and even in the The Visconti were acknowledged Tuscan cities heads of that faction A family early established as lords of Verona, the della Scala, maintained the

credit of the same denomination between the

CHAP
III
PART II

TTALY

Adige and the Adriatic. Castruccio Castrucan, 1 an adventurer of remarkable ability, rendered himself prince of Lucca, and drew over a formidable accession to the imperial side from the heart of the church-party in Tuscany though his death restored the ancient order of things. The inferior tyrants were partly Guelf, partly Ghibelin, according to local revolutions; but upon the whole, the latter acquired a gradual ascendancy. Those indeed who cared for the independence of Italy, or for their own power, had far less to tear from the phantom of imperial prerogatives, long intermitted, and incapable of being enforced, than from the new race of foreign princes, whom the church had substituted for the house of Swabia. The Angevin kings of Naples were sovereigns of Provence, and from thence casily encroached upon Piedmont, and threatened the Milanese Robert, the third of this line, almost openly aspired, like his grandfather Charles I, to a real sovereignty over Italy offers of assistance to Gueli cities in war were always coupled with a demand of the sovereignty Many yielded to his ambition, and even Florence twice bestowed upon him a temporary dictatorship In 1314, he was acknowledged lord of Lucca, Florence, Pavia, Alexandria, Bergamo, and the cities of Romagna. In 1318, the Guelfs of Genoa found no other resource against the Ghibelin emigrants who were under their walls, than to resign their liberties to the king of Naples for the term

of ten years, which he procured to be renewed for

Kings of Napt scann at continue 1 of Ital SIX more. The Avignon popes, especially John CHAP XXII, out of blind hatred to the emperor Louis HARLII of Bayaria and the Visconti family, abetted all these measures of ambition But they were rendered abortive by Robert's death, and the subsequent disturbances of his kingdom

HAIL

At the latter end of the thirteenth century, there were almost as many princes in the north bill Italy, as there had been free cities in the preced . mg age There equality, and the frequent domestic revolutions which made their seat unsteady. kept them for a while from encroaching on each Gradually, however, they became less numerous, a quantity of obscure tyrants were swept away from the smaller cities, and the people, careless or hopeless of liberty, were glid to exchange the rule of despicable petty usurpers for that of more distinguished and powerful families About the year 1350, the central parts of Tom- second bardy had tallen under the dominion of the Vis- national conti-Four other houses occupied the second rank, remains that of Este at Terrara and Modena of Scala Servi at Verona, which under Cane and Mastino della Scala had seemed likely to contest with the fords of Milan the supremacy over Lombardy, of Carrara at Padua, which later than any Lombard or had resigned her liberty, and of Gonzaga at Min tua, which, without ever obtaining any material extension of territory, continued, probably for that reason, to reign undisturbed till the eighteenth century. But these united were hardly a match, Poor roll inch wood as they sometimes experienced, for the Visconti

CHAP
III
PARI II
IIII

That family, the object of every league formed in Italy for more than fifty years, in constant hostility to the church, and well enured to interdicts. and excommunications, producing no one man of military talents, but fertile of tyrants detested for their perfidiousness and cruelty, was nevertheless enabled, with almost uninterrupted success, to add city after city to the dominion of Milan. till it absorbed all the north of Italy Under Gian Galeazzo, whose reign began in 1385, the viper their armonal bearing assumed indeed a menacing attitude \* he overturned the great family of Scala, and annexed their extensive possessions to his own, no power intervened from Vercelli in Piedmont to Feltre and Belluno, while the free cities of Tuscany, Pisa, Siena, Perugia, and even Bologna, as it by a kind of witcheraft, voluntarily called in a dissembling tyrant as their master

Powerful as the Visconti were in Italy, they were long in washing out the tinge of recent usurpation, which humbled them before the legitimate dynastics of Europe. At the siege of Genoa in 1318 Robert king of Naples rejected with contempt the challenge of Marco Visconti to decide their quarrel in single combat? But the pride of sovereigns, like that of private men, is easily set

Allusious to heraldry are very common in the Italian writers. All the historians of the fourteenth century habitually use the viper il biscione, as a synonym for the power of Milan.

t Delle qual coveril Re-molio sdegno ne prese - Villani, Lix e

<sup>(4)</sup> It was reckoned a mer disance is Dante tells us, in the welow of Nino di Gallera, a no-hierant of Pist, though a sort of prince in Sanbina to marry one of the Visconti Purgatorio, Cant.

aside for their interest. Galeazzo, Visconti pur- CHAP chased with 100,000 florins a daughter of France for his son, which the French historians mention as a deplorable humiliation for their crown tew years afterwards, Lionel duke of Clarence. second son of Edward III., certainly not an infenor match, espoused Galeazzo's daughter these connexions were short-lived, but the union of Valentine, daughter of Gian Galeazzo, with the duke of Orleans, in 1389, produced far more important consequences, and served to transmit a claim to her descendants Louis XII, and Francis L from which the long calamities of Italy at the beginning of the sixteenth century were chiefly Not long after this marriage, the Viscontravere tacitly admitted among the reigning princes, by the ejection of Milan into a duchy under letters patent of the emperor W4 messlaus.

11411

The imperial authority over Italy was almost to sent entirely suspended after the death of Frederic H 200 136 A long interregionic followed in Germany, and when the vacancy was supplied by Rodolph of Hapsburg, he was too prudent to dissipate his moderate resources, where the great house of About forty years afterwards, Swabia had tailed the emperor Henry of Luxemburg, a prince, like it evo Rodolph, of small hereditary possessions, but active and discreet, availed limiself of the ancient respect borne to the imperial name, and the mutual plalousies of the Italians, to recover for a very short

CHAP III PART II. ITALY

time a remarkable influence. But, though profess. ing neutrality, and desire of union between the Guelfs and Ghibelins, he could not succeed in removing the distrust of the former, his exigencies impelled him to large demands of money and the Italians, when they counted his scanti German cavalry, perceived that obedience was altogether a matter of their own choice. Henry died, however, in time to save hiniself from any decisive reverse. His successors, Louis of Bayana and Charles IV., descended from the Alps with similar motives, but after some temporary good fortune, were obliged to return not without discredit. Yet the Italians never broke that almost invisible thread which connected them with Germany, the fallacious name of Roman emperor still challenged their allegiance, though conferred by seven Teutonic electors without their concurrence Even Florence, the most independent and high spirited of republics, was induced to make a treaty with Charles IV, in 1355, which, while it confirmed all her actual liberties, not a little, by that very confirmation, affected her sovereignty.\* This

abutia reversita di surgezzioni domandiendo chi il communi di Firenze volca, essendogli ubbidizioni, li contine la cottali tranchigio per mantenere il suo popolo nelli usata libertade. Mat Villani p. 274. (Script, Rev. Itali v. xiv. This style made Charles augry, and the city soon atoned for it by accepting his privilege. In this, it must be owned, he assumes a decided tone of sovereignty. The gonfalonier and priors are declared.

The republic of Florence was at this time in considerable paral from a condition of the Tuscan cities against her, which rendered the protection of the emperor convenient. But it was very reluctantly that she acquiesced in even a nominal submission to his authority. The Horontine envoys, in their first address, would only use the words, Nanta Corona, or seen missimo Principe, sanza nordario imperadore, o dimostrargli

deference to the supposed prerogatives of the em- ( HAP pire, even while they were least formidable, was partly owing to jealousy of French or Neapolitan interference, partly to the national hatred of the nopes who had seceded to Avignon, and in some degree to a misplaced respect for antiquity, to which the revival of letters had given birth great civilians, and the much greater poets of the fourteenth century, taught Italy to consider her emperor as a dormant sovereign, to whom her various principalities and republies were subordinate, and during whose absence alone they had legitimate authority

In one part, however, of that country, the em- carrier pire had, soon after the commencement of this ! period, spontaneously renounced its sovereignty From the agra of Pepin's donation, confirmed and extended by many subsequent charges, the Holy See had tolerably just pretensions to the province entitled Romagna, or the exarchate of Ravenna But the popes, whose menaces were dreaded at the extremities of Europe, were still very weak as temporal princes. Even Innocent III had never been able to obtain possession of this part of

to be his vicars. The deputies of the city did homage and swore Circumstances in obedience duced the principal citizens to make this submission, which they knew to be merely nominal. But the high-apinted people, not so indifferent about names, came into it very unwillingly. The treaty was seen times proposed, and as

often rejected in the consiglio del popolo, before their fecung were subdued. Its publication was received with nemarks of joy The public buildings alone were iliu minated, but a rad rileter meli cated the wounded pride of every private citizen. M. Vulant, p. 266 290 Sismondi, t vi p 238

CHAP III PART II

The circumstances of St. Peter's patrimony Rodolph's accession inspired Nicholas III, with more confidence. That emperor granted a confirmation of every thing indied in the donations of Louis L. Otho, and his other predecessors, but was still reluctant or ashamed to renounce his imperial rights. Accordingly his charter is expressed to be granted without diminution of the empire sine demembratione imperir, and his chancellor received an oath of fidelity from the cities of Romagna But the pope insisting firmly on his own claim, Rodolph discreetly avoided involving himself in a fatal quarrel, and, in 1278, absolutely released the imperial supremacy over all the dominions already granted to the Holy Sec \*

This is a leading epoch in the temporal monarchy of Rome. But she stood only in the place of the emperor, and her ultimate sovereignty was compatible with the practical independence of the free cities, or of the usurpers who had risch up among them. Bologna, Faenza, Rimini, and Ravenna, with many others less considerable took an oath indeed to the pope, but continued to regulate both their internal concerns and foreign relations at their own discretion. The first of these cities was far pre-eminent above the rest for population and renown, and, though not without several intermissions, preserved a republican character till the end of the fourteenth century. The

Muratori, ad ann. 1274, 1275, 1278. Sismondi, t. ni. p. 461.

rest were soon enslaved by petty tyrants, more CHAP obscufe than those of Lombardy II was not easy HILL for the pontiffs of Avignon to constate themselves in a dominion which they seemed to have abandoned, but they made several attempts to recover it, sometimes with spiritual arms, sometimes with the more effications aid of mercenary troops The annals of this part of Italy are opeculiarly minter sting

II ALA

Rome itself was, throughout the middle ages, to a very little disposed to acquiesce in the government  $\frac{\partial^2}{\partial x^2}$ of her bishop. His rights were indefinite, and unconfirmed by positive law, the emperor was long sovereign, the people always meant to be Besides the common causes of insubordination and anarchy among the Italians, which applied equally to the capital city, other sentiments more peculiar to Rome preserved a continual, though not uniform, influence for many There still remained enough, in the wreck of that vast inheritance, to swell the bosoms of her citizens with a consciousness of their They have the venerable name. own dignity they contemplated the monuments of art and empire, and forgot, in the illusions of national pride, that the tutelar gods of the buildings were departed About the middle of the tweltth century. for ever. these recollections were heightened by the eloquence of Arnold of Brescia, a political heretic who preached against the temporal jurisdiction of In a temporary intoxication of the hierarchy fancy, they were led to make a ridiculous show

CHAP III PART II ITALY of self-importance towards Frederic Barbarossa when he came to receive the imperial crown; but the German sternly chided their ostentation, and chastised their resistance.\* With the popes they could deal more securely seral of them were expelled from Rome during that age by the seditious citizens Lucius II. died of hurts received ın a tumult The government was vested in fiftysix senators, annually chosen by the people, through the intervention of an electoral body, tendelegates from each of the thirteen districts of the city.† This constitution lasted not quite fifty years. In 1192, Rome imitated the prevailing fashion by the appointment of an annual foreign magistrate ! Except in name, the senator of Rome appears to have perfectly resembled the podesta of other cities. This magistrate superseded the remesentative senate who had proved by no means adequate to controul the most lawless aristocracy of Italy I shall not repeat the story of Brancaleon's rigorous and inflexible justice, which a great historian has already drawn from obscurity It illustrates not the annals of Rome alone, but the general state of Italian society, the nature of a podesta's duty and the difficulties of its execution The office of senator survives after

<sup>\*</sup> The impertment address of a Roman orator to Frederic, and his answer, are preserved in Otho of Fraingen, I in c 22 but so much at length, that we may suspect some exaggration. Otho is rather rheturical. They may be read in Gibbon, c 59

<sup>†</sup> Sismondi, t. ii. p. 16 Besides Nistarindi and Muratori, I would refer for the history of Rome during the middle ages to the last chapters of Gibbon's Decline and Fall

<sup>1</sup> Sismondi, t ii p 308

more than six hundred years, a foreign magis- CHAP. trate still resides in the Capitol, but he no longer PARTH. wields the 'iron flail ' of Brancalcon, and his nomination proceeds of course from the supreme nontiff, not from the people. In the twelfth and thirteenth centuries, the senate, and the senator who succeeded them, exercised one distinguishing attribute of sovereignty, that of coming gold and silver noney. Some of their coms still exist, with legends in a very republican tone | Doubtless the temporal authority of the popes varied according to their personal character. Innocent III had much more than his predecessors for almost a century, or than some of his successors. He made the senator take an oath of fealty to him, which, though not very comprchensive, must\* have passed in those times as a recognition of his superiority !

HALL.

Though there was much less obedience to any legitimate power at Rome than any where else in Italy, even durms the thirteenth century, yet iffer the secession of the popes to Avignon, their own city was left in a far worse condition than before. Disorders of every kind, tumult and robbery, prevailed in the streets. The Roman nobility were engaged in perpetual war with each Not content with their own fortified palaces, they turned the sacred monuments of anti-

<sup>\*</sup> The readers of Sprinser will recollect the fron flail of Talus, the attendant of Arthegal, emblematic of the severe justice of the lord de-

puty of Ireland, Sir Arthur Gory, hadowed under that allegory t Cabbon, vol za p 289 Murators, Antiquit Ital Dissert 27

Sismondi, p 309

CHAP III. PART II. quity into strong holds, and consummated the destruction of time and conquest. At no period has the city endured such irreparable injuries; nor was the downfall of the western empire so fatal to its capital, as the contemptible feuds of the Orsini and Colonna families Whatever there was of government, whether administered by a legate from Avignon, or by the municipal authorities, had lost all hold on these powerful barons. the midst of this degradation and wietchedness, an obscure man, Nicola di Rienzi, conccived the project of restoring Rome not only to good order, but even to her ancient greatness He had received an education beyond his birth, and nourished his mind with the study of the best writers. After many harangues to the people, which the nobility, blinded by their self-confidence, did not attempt to repress, Rienzi sud-

dealy excited an insurrection, and obtained com-

new government, with the title of Tribune, and with almost unlimited power. The first effects of

submitted, though with great reluctance, the roads were cleared of robbers, tranquility was restored at home, some severe examples of justice intimidated offenders, and the tribune was regarded by all the people as the destined restorer of Rome and Italy. Though the court of Avignon could not approve of such an usurpation, it temporized enough not directly to oppose it. Most of the Italian republics, and some of the princes, sent

this revolution were wonderful

He was placed at the head of a

All the nobles

Die Frifasse Rien

1347

plete success

ambassadors, and seemed to recognize pretensions and AP which were tolerably ostentations The king of PARLII Hungary and queen of Vaples submitted their quarrel to the arbitration of Rienzi, who did not however, undertake to decide upon it. But this sudden exaltation intoxicated his understanding, and exhibited stailings entirely incompatible with . his elevated condition If Rienzi had lived in our own age, his talents, which were really great, , would have found their proper orbit character was one not unusual among literary politicians, a combination of knowledge, cloquence, and enthusiasm for ideal excellence, with vainty, inexperience of mankind, unsteadiness and physical finidity As these latter qualities became conspictions, they eclipsed his virtues and caused his benefits to be forgotten, he was compelled to abdicate his government, and retire into After several years, some or which he passed in the prisons of Avignon, Rienzi was brought back to Rome, with the title of senator, and under the command of the legate. supposed that the Romans, who had returned to their habits of insubordination, would gladly submit to their favourite tribune And this proved the case for a few months, but after that time they ceased altogether to respect a man, who so little respected himself in accepting a station where he could no longer be free, and Rienzi was killed in a sedition.

\*Sismondi, tv c 37 tvi p Vie de Petrarque, t ii passina 201 Gibbon, c 70 De Sade, Tiraboschi, t vi p 339 Itis dif-VOL. 1

CHAP III PART II.

Animequent anims of Rome

Once more, not long after the death of Rienzi. the freedom of Rome seems to have revived in republican institutions, though with names less calculated to inspire peculiar recollections. Magistrates called bannerets, choraginary from the thirteen districts of the city, with a mustia of three thousand citizens at their command, were placed at the head of this commonwealth. The great object of this new organization was to intimidate the Roman nobility, whose outrages, in the total absence of government, had grown intolerable of them were hanged the first year by order of the bannerets. The citizens, however, had no serious intention of throwing off their subjection to the popes They provided for their own security, on account of the lamentable secession and neglect of those who claimed allegiance while they denied protection. , But they were ready to acknowledge and welcome back their bishop as their sovereign Even without this, they surrendered their republican constitution in 1362, it does not appear for

ficultio resist the admiration, which all the romantic circumstances of Richards before the analysis of the resistance of the resistance and to which Petrarch so blindly gave way. That great man's characteristic excellence was not good two notions, of which it is hard to say which was the more abound, that Rome had a legitimate right to all her ancient authority over the rest of the world, and that she was thely to recover this authority in consequence of the revolution produced by Riesen Giovanni produced by Riesen Giovanni

Villani, living at Horence, and a staunch republic on, formed a very different estimate, which weighs more than the enthusiastic panegyries of Petrarch. La detta impresa del tribano era un' opera fantastica, e di pocodurare l'xii e do An illustrions female writer has drawn with a single stroke the character of Rienzi. Crescentius, and Arnold of Brescia, the fond restorers of Roman liberty, qui out pris les souvenirs pour les esperances. Comme, t. p. 159. Could Tacitus have excelled this?

· what reason, and permitted the legate of Innocent CHAP VI. to assume the government.\* We find, however, the institution of bannerets revived, and in full authority some sears afterwards internal history of some appears to be obscure, and I have not had opportunities of examining it minutely. Some degree of political freedom the city probably enjoyed during the schism of the church, but it is not easy to discriminate the . assertion of legitimate privileges, from the licentious tuniults of the barons or populace. In 1435, the Romans formally took away the government from Eugenius IV and elected seven signious or chief magistrates, like the priors of Horence,t But this revolution was not of long continuance On the death of Eugenius, the citizens deliberated upon proposing a constitutional charter to the Stephen Porcaro, a man of good future pope family, and inflamed by a strong spirit of liberty, was one of their principal instigators. But the people did not sufficiently partake of that spirit No measures were taken upon this occasion, and Porearo, whose ardent imagination disguised the hopelessness of his enterprize, tampering in a fresh conspiracy, was put to death under the pontificate of Nicholas V.1

PARTI HALY

<sup>\*</sup> Matt. Villani, p 576 604 709 Sismondi, t v p 92 He seems to have overlooked the former period of government by bannerets and refers their institution to 1375

<sup>+</sup> Script. Rerum Italic t in pars 2 p 112d ... Id p 1131.1114 Susmondi, t x p 18

CHAP
HI
PARTU

ITALY
Cities of the any
Florence

The province of Tuscany continued longer than Lombardy under the government of an imperial heutenant. It was not till about the middle of the twelfth century that the ities of Florence, Lucca, Pisa, Sienna, Arerzoga Fistora, and several less considerable, which might perhaps have al-, ready their own elected magistrates, became independent republics. Their history is, with the exception of Pisa, very scanty till the death of Frederic II The earliest fact of any importance . recorded of Florence occurs in 1184, when it is said that Frederic Barbarossa took from her the dominion over the district or county, and restored it to the rural nobility, on account of her attrchment to the church \* This I chiefly mention to illustrate the system pursued by the cities, of bringing the territorial proprietors in their neighbouthood under subjection During the reign of Frederic II. Florence became, as far as she was able, an ally of the popes There was indeed a strong Ghibelin party, comprchending many of the greatest families, which occasionally predominated through the assistance of the emperor however, to have existed chiefly among the nobility, the spirit of the people was thoroughly After several revolutions, accompanied by alternate proscription and demolition of houses, the Guelf party, through the assistance of Charles of Anjou, obtained & final ascendancy in 1266, and after one or two unavailing schemes of accommodation, it was established as a fundamental CHAP law in the Florentine constitution, that no person of Ghibelin ancestry could be admitted to offices of public trust; the ch, in such a government, HALLY was in effect an estimation from the privileges of citizenship

The changes of internal government and view- poonsitudes of success among factions were so frequent had at Florence, for many years after this time, that she is compared by her great banished poet to a sick man, who, unable to rest, gives himself, momentary case, by continual change of posture in his bed \* They did not become much less numerous after the age of Dante. Yet the revolutions of Florence should perhaps be considered as no more than a necessary price of her liberty It was her boast and her happiness to have escaped, except for one short period, that odious rule of vile usurpers, under which so many other tree cities had been crushed A sketch of the constitution of so famous a republic ought not to be omitted in this place. Nothing else in the history of Italy after Frederic II, is so worthy of our attention.

The basis of the Florentine polity was a division

<sup>\*</sup> F se ben ti ricerdi, e ve li

Vedrai te sonughanti a quella mb rma.

<sup>(</sup>he non puo trovar posa ili sil le piume,

Ma con dar volta suo dolore ache rma

Purgatorio, cant. vi

t I have for nel considerable de boulties in this part of my task, no anthor with whom I am acquained, giving a tolerable view of the Horentine government, except M Semends, who is tamself not alwave satisfactors

PART H.

CHAP of the citizensi exercising commerce, into their several companies or arts. These were at first twelve, seven called the greater arts, and five ITALI / less r, but the latter were that y increased to fourteen. The seven great farts were those of lawyers and notaries, of dealers in foreign cloth, · .. called sometimes Calimala, of bankers or moneychangers, of woollen-drapers, of physicians and druggists, of dealers in silk, and of furriers inferior aits were those of retailers of cloth, butchers, smiths, shoemakers and builders. This division, so far at least as regarded the greater arts. was as old as the beginning of the thirteenth century \* But it was fully established, and rendered essential to the constitution in 1266 provisions made in that year, each of the seven greater arts had a conneil of its own, a chief magistrate or consul who administered justice in civil causes to all members of his company, and a banneret gonfalonicie or military officer, to whose standard they repaired, when any attempt was made to disturb the peace of the city

> The administration of criminal justice belonged at Florence, as at other cities, to a foreign podesta. or rather to two foreign magistrates, the podesta, and the capitano del popolo, whose jurisdiction, so far as I can trace it, appears to have been concur-

themselves rather maccurately, as if they had been erected at that time, which indied is the zera of their political importance

Ampairato and ann 1904 et 12 '5 Villagi intimates, I vii c 13 that the arts existed as commercial companies before 1260 Maclauvelle and Sumondi express

rent.\* In the first part of the thirteenth century, CHAP the authority of the podestà may have been more PART II extensive than afterwards. These offices were preserved till the wations of the Medici. domestic magistrates underwent more changes. Instead of consuls, which had been the first denomination of the chief magistrates of Florence, a college of twelve or fourteen persons called Anziani or Buonuomini, but varying in name as well as number according to revolutions of party, was established about the middle of the thirteenth century, to direct public affairs ! This order was entuely changed in 1282, and gave place to a new form of supreme magistracy, which lasted till the extinction of the republic. Six priors, elected every two months, from each of the six quarters of the city, and from each of the greater arts, except that of lawyers, constituted an executive magistracy. They lived, during their continuance in office, in a palace belonging to the city, and were maintained at the public cost. The actual priors, jointly with the chiefs and councils, usually called la capitudine of the seven greater arts, and with certain adjuncts carroti named by themselves, elected by ballot their successors Such was the practice for about forty years after this government But an innovation, begun in was established 1324, and perfected four years afterwards, gave a

ITALY

however as easily as 1184 \* Matteo Villani, p 194 G Villant places the institution of the podesta in 1207, we find it mirato + G Villani, I vi c Jo

PART IL

CHAP peculiar character to the constitution of Florence wively and ambitious people, not merely jealous of their public sovereignty, but decining its exer-HALL cise a matter of personal enjoyment, aware, at the same time, that the will of the whole body bould neither be immediately expressed on all occasions, not even through chosen representatives, without the risk of violence and partiality, fell upon the singular idea of admitting all citizens, not unworthy by their station or conduct, to offices of magistracy by rotation. Lists were separately made out by the priors, the twelve buonuomini, the chiefs and councils of arts, the bannerets and other respectable persons, of all citizens. Guelfs by origin, turned of thirty years of age, and, in their judgement, worthy of public trust The lists thus formed were then united, and those who had composed them meeting together, in number nmety-seven, proceeded to ballot upon every name. Whoever obtained sixty-eight black balls was placed upon the reformed list, and all the names it contained, being put on separate tickets into a bag or purse, imborsati, were drawn successively as the magistracies were renewed. As there were above fitty of these, none of which could be held for more than four months, several hundred citizens were called in rotation to bear their share in the government within two years. But at the expiration of every two years, the scrutiny was renewed, and fresh names were mingled with those which still continued undrawn, so that accident

might deprive a man for life of his portion of CHAP sovereignty.\*

PARI II

Four councils had been established by the constitution of 1266, the decision of all propositions laid before them by the executive magistrates, whether of a legislative nature, or relating These were now abrogated and to public policy in their places were substituted one of 300 members, ali pleberans, called consiglio di popolo, and one of 250, called consiglio di commune, into which the nobles might enter These were changed by the same rotation as the magistracies, A parliament, or general every four months I assembly of the Florentine people, was rarely convoked, but the leading principle of a democratical republic, the ultimate sovereignty of the multitude, This constitution of 1324 was was not forgotten. fixed by the citizens at large in a park ment, and the same sanction was given toothose temporary delegations of the signiory to a prince, which occasionally took place. What is technically called by their historians tarsi popula, was the assembly of a parliament, or a resolution of all derivative powers into the immediate operation of the popular will.

publics, and his always continued according to Samondi, in Luces, and in those curre of the early anatural state while leave reed the privilege of chasing their mannerpal others p. 19

<sup>\*</sup> Villan, I ix c 27 I x c 110 I xi c 105 Semondi, t x p 174 This species of lott ry, recommending itself by an appur rent farness, and meanpathility with undur influence, was specific idopted in all the neighbouring re-

fil ibid

CHAP.
III.
PART II.
ITALY

The ancient government of this republic appears to have been chiefly in the hands of its nobility These were very numerous, and possessed large estates in the district. But by the constitution of 1266, which was nearly coincident with the triumph of the Guelf faction, the essential powers of magistracy, as well as of legislation, were thrown into the scale of the commons. leges of arts, whose functions became so emment. were altogether commercial Many indeed of the nobles enrolled themselves in these companies, and were among the most conspicuous merchants of Florence. These were not excluded from the executive colleges of the priors, at its first institution in 1282 It was necessary, however to belong to one or other of the greater arts in order to reach that magistracy The majority, therefore, of the ancient families saw themselves pushed aside from the helm, which was entrusted to a class whom they naturally held in contempt

It does not appear that the nobility made any overt opposition to these democratical institutions. Confident in a force beyond the law, they cared less for what the law might provide against them. They still retained the proud spirit of personal independence, which had belonged to their ancestors in the fastnesses of the Apennines. Though the laws of Florence, and a change in Italian customs, had transplanted their residence to the city, it was in strong and lofty houses that they dwelt, among their kindred, and among the fellows of their rank

Notwithstanding the tenor of the constitution, CHAP Florence was, for some years after the establishment of priors, incapable of resisting the violence of her Her histiguans all attest the outrages and assassinations committed by them on the inferior people. It was in vain that justice was offered by the podesta and the capitano del popolo Witnesses dared not to appear against a noble offender, or it, on a complaint, the officer of justice arrested the accused, his family made common cause to rescue their kinsman, and the populace rose in defence of the laws, till the city was a scene of tumult and bloodshed I have already alluded to this insubordination of the higher classes as general in the Italian republics, but the Florentine writers, being fuller than the rest, are our best specific testimonies \*

The dissensions between the patrician and plebeian orders ran very high, when Giano della Bella, a man of ancient lineage, but attached, vithout ambitious views, so far as appears, though not without passion, to the popular side, introduced a series of enactments exceedingly disadvantageous The first of these was to the ancient aristocracy the appointment of an executive officer, the gonfalonier of justice, whose duty it was to enforce the sentences of the podestà and capitano del popolo, in cases where the ordinary officers were insufficient. A thousand citizens, afterwards increased

PART IL HALY

1295

Villant, I via c. 113. I vin. c. P.—Ammirato, Storia Liorentina, T. iv. in commensumento

PART II

1295

to four times that number, were bound to obey his commands. They were distributed into compames, the gonfalomers or captains of which became a sort of corporation or college, and a constituent part of the government This new militia seems to have superseded that of the companies of arts, which I have not observed to be mentioned at any later period. The gonfalonier of justice was part of the signiory along with the priors, of whom he was reckoned the president, and changed like them every two months. He was, in fact, the first magistrate of Florence \* If Giano della Bella had trusted to the efficacy of this new security for justice, his fame would have been beyond reproach-But he followed it up by harsher provisions: nobility were now made absolutely ineligible to the office of prior. For an officie committed by one of a moble family, his relations were declared responsible in a penalty of 3000 pounds. obviate the difficulty arising from the frequent intimidation of witnesses, it was provided, that common fame, attested by two endible persons, should be sufficient for the condemnation of a nobleman t

number too be augments to ten
The proper style of the republic
weens to run thus I prom dell'
arti e confalomere di grustizia, il
popolio i comune della città di
l'irenze G Villani, l'xii r 100

<sup>•</sup> It is to be regretted, that the accomplished to grapher of Lorenzo de Medica should have taken no pains to inform himself of the most ordinary particulars in the constitution of Florence Among many other errors, he saws, you in p. 51. 5th edit that the gonfaluner of justice was subordinate to the delegated mechanics, to had expression, or priori dell'arti, whose

<sup>†</sup> Villan, I vin c 1 Ammirato, p. 148 edit 1647 A magistrate, called l'esecutor della giustiria, was appointed with authority equal to that of the podesia, for

These are the famous ordinances of justice, which CHAP passed at Florence for the great charter of her maker democracy. They have been reprobated in later times as scandalously unjust, and I have little inclination to detend them The last, especially, was a violation of those eternal principles, which torbid us, for any calculations of advantage, to risk the sacrifice of innocent blood ampossible not to perceive, that the same unjust severity has sometimes, under a like prefext or necessity, been applied to the weaker classes of the people, which they were in this instance able to excreise towards their natural superiors

The nobility were soon aware of the position in which they stood. For half a century then great object was to produce the relaxation of the ordi But they had no success with nances of justice In three years time, indeed, an clated enemy Giano della Bella, the author of these institutions, a conspicuous, though by was driven into exile no means singular, proof of Florentine ingratitude \* The wealth and physical strength of the nobles were however untouched, and their influence must always have been considerable. In the great fends of the Branchi and Neri, the ancient families No man plays a greater were most distinguished part in the annals of Florence at the beginning of the fourteenth century, than Corso Donati, chief of the latter faction, who might pass as represen-

nances of justice the special purpose of watching over the observation of the ordi-· Villani, I viii C B

CHAP
III
PART II.
ITALY

tative of the tarbulent, intrepid, ambitious citizennoble of an Italian republic.\* But the laws gradually became more sure of obedience; the sort of proscription which attended the ancient nobles lowered their spirit, while a new aristocracy began to raise its head, the aristocracy of families who, after filling the highest magistracies for two or ' three generations, obtained an hereditary importance, which answered the purpose of more unequivocal nobility; just as in ancient Rome, pleberan families, by admission to curule offices, acquired the character and appellation of nobility, and were only distinguishable by their genealogy from the original patricians 1 Florence had her pleberan nubles populani grandi, as well as Rome, the Peruzzi, the Ricci, the Albizi, the Medici, correspond to the Catos, the Pompeys, the Brutuses, and the Antonies. But at Rome the two orders, after an equal partition of the highest offices, were content to respect their mutual privileges, at Florence the commoners preserved a rigorous monopoly, and the distinction of high birth was, that it debarred men from political franchises and civil justice 1

This second aristocracy did not obtain much more of the popular affection than that which it

Dino Compagni. Villari † La nobiltà civile, se bene non in baronaggi, è capace di grandrami henori, percoche esercitando i supremi magistrati della sua patria, viene speseo a comandare a capitani d'esercit e ella siessa por se o in mare, o in terra, molte volta i supremi carichi adopera. È tale

è la Fiorentina nobilet. Ammirato delle Famiglie Fiorentine. Firenze, 1614 p 25

Quello, che all' altre creà suolo recare splendore, in Firenze era dannoso, o veramente vano e toutile, says Ammirato of nobility Storia Fiorentina, p. 161

Public outrage and yiolation of law (HAP superseded. became less frequent, but the new leaders of Florence are accused of continual mis-government at home and abroad, and sometimes of peculation There was of course a strong antipathy between the leading commoners and the ancient nobles. both were disliked by the people In order to keep the nobles under more controll, the governing party more than once introduced a new foreign magistrate, with the title of captain of defence della guardia (whom they invested with an almost unbounded criminal jurisdiction One Gabrielli of Agobbio was twice fetched for this purpose, and in each case he behaved in so tyrannical a manner, as to occasion a tumult . His office however was of short duration, and the title at least did not import a sovereign command. But very soon atterwards Florence had to experience one taste of a cup which her neighbours had drunk off to the dregs, and to animate her magnanimous love of freedom by a knowledge of the calaimties of tyranny

A war with Pisa, unsuccessfully, if not unskilfully, conducted, gave rise to such dissatisfaction in the city, that the leading commoners had recourse to an appointment something like that of Gabrielli, and from similar motives. Walter de Brienne, duke of Athens, was descended from one of the French crusaders who had dismembered the Grecian empire in the preceding century, but his father, ITAI Y.

1336

1340

Villani, | xi c 39 and 117

PART II ITAL

defeated in battle, had lost the principality along with his life, and the titular duke was an adventurer in the court of France He had been, however, slightly known at Florence on a former occasion. There was an uniform maxim among the Italian republics, that extraordinary powers should be conferred upon none but strangers. The duke of Athens was accordingly pitched upon for the military command, which was united with This appears to have been domestic jurisdiction. promoted by the governing party, in order to curb the nobility; but they were soon undeceived in their expectations. The first act of the duke of Athens was to bring four of the most eminent commoners to capital punishment for military offences. These sentences; whether just or otherwise, gave much pleasure to the nobles, who had so frequently been exposed to similar severity and to the populace, who are naturally pleased with the humiliation of their superiors. Both of these were caressed by the duke, and both conspired, with blind passion, to second his ambitious views. It was proposed and carried in a full parliament, or assembly of the people, to bestow upon 1342 him the signiory for life. The real friends of their country, as well as the oligarchy, shuddered at this measure. Throughout all the vicissitudes of party, Florence had never yet lost sight of republican institutions. Not that she had never accommodated herself to temporary circumstances by naming a Sigmor. Charles of Anjou had been invested with that dignity for the term of ten

years, Robert king of Naples, for five; and his on ap son the duke of Calabria was at his death Signior of Florence. These princes named the podesta, if not the priors; and were certainly pretty absolute in their executive powers, though bound by oath not to alter the statutes of the city.\* But their office had always been temporary. Like the dictatorship of Rome, it was a confessed, imavoidable evi., a suspension but not extinguishment of Like that too, it was a dangerous precerights dent, through which crafty ambition and popular rashness might ultimately subvert the republic If Walter de Brienne had possessed the subtle prudence of a Matteo Visconti, or a Cane della Scala, there appears no reason to suppose, that Florence would have escaped the fete of other cities, and her history might have become as uscless a record of perfids and assessmation as that of Mantua or Verona !

I' \RCH HALY

But, happily for Florence, the reign of tyranny was very short. The duke of Athens had neither judgement nor activity for so difficult a station He launched out at once into excesses, which it would be desirable that arbitrary power should idways commit at the outset. The taxes were considerably increased; their produce was dissipated. The honour of the state was sacrificed by an inglorious treaty with Pisa; her territory was diminished by some towns throwing off their dependence. Severe and multiplied punishments

<sup>\*</sup> Vallani, I is c 55 60 135 324 + [d | xn ← 1, 2, 3 VOI 1

111 PARTII ITALY

spread terror through the city. The noble families, who had on the duke's election destroyed the ordinances of justice now found themselves exposed to the more partial caprice of a despot He filled the magistracies with low creatures from the inferior artificers, a class which he continued ... to flatter \* Ten months passed in this manner when three separate conspiracies, embracing most of the nobility and of the great commoners, were planned for the recovery of freedom. The duke . was protected by a strong body of hired cavalry Revolutions in an Italian city were generally effected by surprize The streets were so narrow and so easily secured by barricades, that if a people had time to stand on its defence, no cavalry was of any avail. On the other hand, a body of lancers in plate-armour might dissipate any number of a disorderly populace. Accordingly, if a prince or usurper would get possession by surprize, he, as it was called, rode the city, that is, galloped with his cavalry along the streets, so as to prevent the people from collecting to erect barrieades expression is very usual with historians of the fourteenth century. The conspirators at Florence were too quick for the duke of Athens The city was barricaded in every direction, and after a contest of some duration, he consented to abdicate his signiory.

Thus Florence recovered her liberty.

<sup>•</sup> Villani, c. 8 corse la citta di l'isa dur † Id 1 x r 81 Castrucio volte Sismondi, t s p 105

statutional laws now seemed to revive of them- CHAP selves. But the nobility, who had taken a very HI active part in the recent liberation of their country. thought it hard to be still placed under the rigorous ordinances of justice. Many of the richer commoners acquiesced in an equitable partition of magistracies, which was established through the influence of the bishop. But the populace of Florence, with its characteristic forgetfulness of benefits, was tenacious of those proscriptive ordinances. The nobles too, elated by then success, began again to strike and injure the inferior citizens new civil war in the city-streets decided their quarrel; after a desperate resistance, many of the principal houses were pillaged and burned, and the perpetual exclusion of the nobility was confirmed by fresh laws. But the people, now sure of their triumph, relaxed a little upon this occasion the ordinances of justice, and, to make some distinction in favour of merit or innocence, effaced certain families from the list of nobility Five hundred and thirty persons were thus clevated, as we may call it, to the rank of commoners \* As it was beyond the competence of the republic of Florence to change a man's ancestors, this nominal alteration left all the real advantages

the number of individuals at 1 and Nobles, or grands, as they are more strictly called, were such as had been macribed, or radice proscribed as so him the ordinaters of justice at least I do not know what other definition there was

<sup>\*</sup> Villani, l xii c 18-24 Nomendi says, liv a momentary oversight, cinq cent trente familles, t seven noble families at Horinie as M. Sumondi himself informs us. t iv p 66, though Villani reckor-

CHAI'
III
PART II.
ITALY

of birth as they were, and was undoubtedly an enhancement of dignity, though, in appearance, a very singular one. Conversely, several unpopular commoners were combiled, in order to disfranchise them. Nothing was more usual, in subsequent times, than such an arbitrary change of rank, as a penalty or a benefit. Those nobles, who were rendered pleberan by favour, were obliged to change their name and arms.t The constitution now underwent some change. From six the priors were increased to eight, and instead of being chosen from each of the greater arts, they were taken from the four quarters of the city, the lesser artizans, as I conceive, being admissible. The gontalomers of companies were reduced to sixteen. And these, along with the signiory, and the twelve buonuonum, formed the college, There every proposition was discussed. before it could be offered to the councils for their legislative sanction. But it could only originate. strictly speaking, in the signiory, that is, the gonfalonier of justice, and eight priors, the rest of the college having merely the function of advice and assistance †

Several years clapsed before any material disturbance arose at Florence. Her contemporary historian complains indeed, that mean and ignorant

Messer Antonio di Buldinaccio degli Admiari, totto che fisse de de piu grandi e nobili, per grana era messo tra i popolo. Villani, I vii c 198

t Ammirato, p 748 There

were several exceptions to this rale in later times. The Pazzi were made popolari, pic beians, by favour of Cosmode Medici. Machiavelli. Nardi, Storia di Firense, p. 7. edit. 1584. Villani, loc. est.

٦

persons obtained the office of prior, and ascribes CHAP some errors in her external policy to this cause Besides the natural effects of the established rotation, a particular law, called the directo, tended to throw the better families out of public office. By this law, two of the same name could not be drawn for any magistracy which, as the ancient, families were extremely numerous, rendered it difficult for their members to succeed, especially as a ticket once drawn was not scolaced in the purse, so that an individual hable to the divieto was excluded until the next bicumal revolution 1 This created dissatisfaction among the leading They were likewise divided by a new

faction, entirely founded, as far as appears, on personal ammosity between two prominent houses, the Albizi and the Ricci. The city was, however, tranquil, when, in 1357, a spring was set in metion, which gave quite a different character to the

domestic history of Florence At the time when the Guelfs, with the assistance of Charles of Anjon, acquired an exclusive domination in the republic, the estates of the Glubelins were confiscated. One third of these confiscations was allotted to the state; another went to repair the losses of Guelf citizens, but the remainder became the property of a new corporate society, denominated the Guelf party parte Guelfa) with a regular internal organization. The

<sup>·</sup> Sismondi, ( Fi p 338 Mattee Villani in Script Rer Italic t aiv p 08 244

CHAP
III.
PART II.

Guelf party had two councils, one of fourteen and one of sixty members, three, or afterwards four, captains, elected by scrutiny every two months, a treasury, and common sealing little republic within the republic of Florence Their primary duty was to watch over the Guelf interest, and for this pur-. . nose they had a particular officer for the accusation of suspected Ghibelius \* We hear not much, however, of the Guelf society for near a century after their establishment The Glubelins bardly ventured to show themselves, after the fall of the White Guelfs in 1304, with whom they had been connected, and confiscation had almost annihilated that unfortunate faction But, as the oligarchy of Guelf families lost part of its influence through the divicto and system of lottery, some persons of Ghibelin descent crept into public offices, and this was exaggerated by the zealots of an opposite party, as if the fundamental policy of the city was put into langer

The Guelf society had begun, as early as 1346, to manifest some disquietude at the foreign artizans, who, settling at Florence, and becoming members of some of the trading corporations, pretended to superior offices. They procured accordingly a law, excluding from public trust and magistracy all persons not being natives of the city or its territory. Next year they advanced a step farther, and, with the view to prevent disorder which seemed to threaten the city, a law

was passed, declaring every one, whose ancestors CHAP at any time since 1300 had been known Ghibelins, PARTH or who had not the reputation of sound Guelf principles, incapable of being drawn or elected to TALY offices.\* It is manifest, from the language of the historian who relates these circumstances, and whose testimony is more remarkable from his having died several years before the politics of the Guelf corporation more decidedly shewed themselves, that the real cause of their palousy was not the increase of Ghibelinism, a merely plausible pretext, but the democratical character which the government had assumed, since the revolution of 1343, which raised the fourteen inferior arts to the level of those which the great merchants of In the Cruelt society, the Florence exercised ancient nobles retained a considerable influence The laws of exclusion had never been applied to that corporation. Two of the emptains were always noble, two were commoners. The people, in debarring the nobility from ordinary privileges, were little aware of the more dangerous channel which had been left open to then ambition. With the nobility some of the great commoners acted in concert, and especially the family and faction of The introduction of obscure persons the Albizi into office still continued, and some measures more vigorous than the law of 1347 seemed necessary to restore the influence of their aristocracy. They proposed, and, notwithstanding the reluctance of

<sup>\*</sup> G Villami, I so c 72 and 74

CHAP PART 11. ITALY.

the priors, carried by violence, both in the preliminary deliberations of the signiory, and in the two councils, a law by which every person accepting an office who should be convicted of Ghibelinism or of Ghibelin descent, upon testimony of public fame, became liable to punishment, capital or pecuniary, at the discretion of the priors To this law they gave a retrospective effect, and indeed it appears to have been little more than a revival of the provisions made in 1347, which had probably been disregarded. Many citizens who had been magistrates within a few years were cast in heavy fines on this indefinite charge. more usual practice was to warn, animonite, men before-hand against undertaking public trust they neglected this hint, they were sure to be treated as convicted Ghibelins Thus a very numerous classe called Ammoniti, was formed of proscribed and discontented persons, eager to throw off the intolerable voke of the Guelf society. For the impulation of Chibehn connexions was generally an unfounded pretext for crushing the enemies of the governing faction. Men of approved Guelf principles and origin were every day warned from their natural privileges of sharing in magis-

there have been many instances, p 481 S. Giovahni Villani says of Passe rine, lord of M intua, that his ancestors had been Guilfs, mu per essere signore e tiranno si fece Chibellino I x c 99 And Mat-teo Villam of the Pepoli at Bologna; escendo di nitini Guelfi, per la tirannia erano quasi alienati della parte p 69

<sup>.</sup> It was to the effect of ancient prejudice, Chibelinism was considered at I low nee, in the lourteenth century, as immediately connected with tyransical usurpation The (surlf party, says Matteo Villam, is the foundation rock of aberty in Italy, so that if any Guelf becomes a tyrant, he must of necessity turn to the Ghibelin side and of this

tracy This spread an universal alarm through the city, but the great advant union and who had also the law on their side of society, their opponents. Meanwhile the published by was well supported abroad. Florence had our before been so distinguished as during the pillence of this oligarchy.

CHAP III PART U

The Guelt society had governed with more of · less absoluteness for near twenty years, when the republic became involved, through the perhdious conduct of the papal legate, in a war with the Though the Florentines were by no Holy Sec means superstitious, this hostility to the church appeared almost an absorbity to determined Guells and shocked those prejudices about naires, which make up the politics of vulgar minds. society, though it could not openly resist the popular indignation against Gregory XI, was not heartily inclined to this war. Its management fell therefore into the hands of eight commissioners, some of them not well affected to the society, whose administration was so successful and popular as to excite the utmost jealousy in the Guelfs They began to reme w their warnings, and in eight months excluded tourscore citizens !

The tyranny of a court may endure for ages; but that of a faction is seldom permanent. In June 1378, the gonfalonier of justice was Salvestro de' Medici, a man of approved patriotism, whose

<sup>\*</sup> M. Villana, p. 581 637 731 — † Aminirato p. 709 Ammirato Machiavelli Sismondi

CHAP. family had be so notoriously of Guelf princias impossible to warn him from
ples that proposed to unitigate the severity of
office. Is law. His proposition did not sucthe out as rejection provoked an insurrection, fererunner of still more alarming tumulis he populace of Florence, like that of other cities, was terrible in the moment of sedition and a party so long dreaded shrunk before the physical strength of the multitude. Many leaders of the Guelt society had their houses destroyed, and some fled from the city—But instead of annulling their acts, a middle course was adopted by the committee of magistrates who had been empowered to reform the state, the Ammoniti were suspended three years longer from office, and the Guelf society preserved with some limitations This temporating course did not satisfy either the Ammoniti, or the populace. The greater arts were generally attached to the Guelf society Between them and the lesser arts, composed of retail and mechanical traders, there was a strong The latter were adverse to the prevailing oligarchy, and to the Guelf society, by whose influence it was maintained. They were cager to make Florence a democracy in fact, as well as in name, by participating in the executive government.

But every political institution appears to rest on too confined a basis, to those whose point of view is from beneath it. While the lesser arts were infrmiring at the exclusive privileges of the

commercial aristocracy, there was yet an inferior CHAP class of citizens, who thought their own claims to equal privileges irrefragable. The arrangement tof twenty-one trading companies had still left exeral kinds of artizans unincorporated, and consequently unprivileged These had been attached to the art with which their craft had most coninexion, in a sort of dependent relation the company of drapers, the most wealthy of all the various occupations, instrumental in the manufacture, as wool-combers, dyers and weavers, were appendant.\* Besides the sense of political exclusion these artizans alledged, that they were oppressed by their employers of the art, and that when they complained to the consul, their judge ; in civil matters no redress could be procured still lower order of the community was the mere populace, who did not practise any regular trade, or who only worked for daily hire. These were called Crompt, a corruption, it is said, of the French compere.

" Let no one," says Machiavel in this place, "who begins an innovation in a state, expect that he shall stop it at his pleasure, or regulate it according to his intention.". After about a month from the first sedition, another broke out, in which the clompi, or lowest populace, were alone con-Through the surprize, or cowardice, or disaffection of the superior citizens, this was suf-

woollen trade occupied 30,000 \* Before the year 1340, accordpersous, 1 xi c 93 ing to Villani's calculation, the

CHAP III PART IL

fered to get ahead, and for three days the en, was in the hand of a tumultuous rabble. It was tain to withstand their propositions, had they eve been more unreasonable than they were. But they only demanded the establishment of two new arts for the trades hitherto dependent and one for the lower people, and that three of the priors should be chosen from the greater arts, three from the fourteen lesser, and two from those just created Some delay however occurring to prevent the sanction of these innovations by the councils, a new fury took possession of the populace gates of the palace belonging to the sigmory were forced open, the priors compelled to fly, and is appearance of a constitutional magistracy remained to throw the yeal of law over the excesses of ana-The republic seemed to rock from its foundation, and the circumstance to which historiars ascribe its salvation is not the least singular in this One Michel di Lando a woolcritical epoch carder, half-dressed and without shoes, happened to hold the standard of justice wrested from the proper officer when the populace burst into the palace. Whether he was previously conspicuous \* in the tumult is not recorded, but the wild capricious mob, who had destroyed what they had no conception how to rebuild, suddenly cried out that Lando should be gonfalonier or signior, and reform the city at his pleasure.

A choice, arising probably from wanton folly, could not have been better made by wisdom Lando was a man of courage, moderation, and

integrity. He gave immediate proofs of these chap malities by causing his office to be respected The eight commissioners of the war, who, though not instigators of the sedition, were well pleased to see the Guelt party so entirely prostrated, now fancied themselves masters, and began to nominate But Lindo sent a message to them, that he was elected by the people, and that he couldhspense with their assistance. He then pro-ceded to the choice of priors. Thick were taken from the greater arts three from the lesser, and three from the two new arts, and the lower people This eccentric college lost no time in restoring tranquillity, and compelled the populace by threat of punishment to return to their occupations But the compr were not disposed to give up the pleasures of anarchy so readily They were dissatisfied at the small share allotted to them in the new distribution of offices, and marmined at their gontalonier as a traitor to the popular cause. Lando was aware that in insurrection was projected, he took measures with the most respectable citizens, the insurgents, when they shewed themselves, were quelled by force, and the gonfalonier retired from office with an approbation which all historians of Florence have agreed to perpetuate. Part of this has undoubtedly been founded on a consideration of the mischief which it was The clompi, once checked, in his power to inflict The next gonfalonier was, were soon defeated like Lando, a wool-comber, but wanting the intrinsic merit of Lando, his mean station excited

HALY

CHAP HI PART H universal contempt. None of the arts could endure their low coadjutors; a short struggle was made by the populace, but they were entirely overpowered with considerable slaughter, and the government was divided between the seven greater and sixteen lesser arts in nearly equal proportions

The party of the lesser arts, or inferior trades men, which had begun this confusion, were let winners when it ceased Three men of distinguished families, who had instigated the revolution, became the leaders of Florence, Benedetts Alberti, Tomaso Strozzi, and Georgio Scab government had at first to contend with the ciompi, smarting under loss and disappointment But a populace which is beneath the inferior mechanies may with ordinary prudence be kept r. subjection by a government that has a wellorganized militia at its command aristocracy was far more to be dreaded. Some of them had been banished some fined, some cunobled; the usual consequences of revolution which they had too often practised to complain A more iniquitous proceeding disgraces the new administration. Under pretence of conspiracy, the chief of the house of Albizi, and several of his most eminent associates, were thrown into prison So little evidence of the charge appeared, that the podestà refused to condemn them, but the people were clamorous for blood, and half with, half without the forms of justice, these noble citizens were led to execution The part he took in this murder sullies the fame of Benedetto Alberti, who

in his general conduct had been more uniformly CHAP influenced by honest principles than most of his contemporaries. Those who shared with him the ascendancy in the existing government, Strozzi and Scali, abused their power by oppression towards their enemies and insolence towards all. Their popularity was of course soon at an end Alberti, a sincere lover of freedom, separated himself from men who seemed to emulate the arbitrary . government they had overthrown. An outrage of Scali in rescuing a criminal from justice brought the discontent to a crisis, he was arrested, and lost his head on the scaffold; while Strozzi, his colleague, fled from the city But this event was instantly followed by a reaction, which Alberti perhaps did not anticipate. Armed men filled the streets, the cry of Live the Guelfs was heard, After a three years, depression, the gristociatical party regained its ascendant. They did not revive the severity practised towards the Ammoniti, but the two new arts, created for the small trades, were abolished, and the lesser arts reduced to a third part, instead of something more than one half, of public offices. Several persons who had favoured the pleberans were sent into exile, and among these Michel de Lando, whose great services in subduing anarchy ought to have secured the protection of every government. Benedetto Alberti, the enemy by turns of every faction, because every . faction was in its turn oppressive, experienced some years afterwards the same fate century after this time, no revolution took place

HALA

PART II

at Florence. The Guelf aristocracy, strong in opulence and antiquity, and rendered prudent by experience, under the guidance of the Albizi family, maintained a preponderating influence, without much departing, the times considered, from moderation and respect for the laws.

It is sufficiently manifest, from this sketch of "the domestic history of Florence, how far that famous republic was from affording a perfect security for civil rights or general tranquillity They who hate the name of free constitutions may exult in her internal dissensions, as in those of Athens or Rome. But the calm philosopher will not take his standard of comparison from ideal excellence, nor even from that practical good which has been reached in our own unequalled constitution, and in some of the republics of modern Europe The men and the institutions of the fourteenth century are to be measured by thear contemporaries. Who would not rather have been a citizen of Florence than a subject of the Visconti' In a superficial review of history, we are sometimes apt to exaggerate the vices of free states, and to lose sight of those inherent in tyrannical power. The bold censoriousness of republican historians, and the cautious servility of

pleasing, but it breaks off rather too soon, at the instant of Lando's assuming the office of banneret Another contemporary writer, Melchione de Stefani, who seems to have turnished the materials of the three historians above mentioned, has not fallen in my way.

<sup>\*</sup> For this part of Florentine history, bonder Ammirato, Machiajord, and Sussendi, I have read an
interesting parrative of the sedition
of the ecomps, by Gino Capponi,
in the eighteenth volume of Muration's collection. It has an air of
livelmon, and truth which is very

writers under an absolute monarchy, conspire to CHAP mislead us as to the relative prosperity of nations. lets of outrage and tumultuous excesses in a free state are blazoned in minute detail, and descend to posterity; the deeds of tyranny are studiously and perpetually suppressed. Even those historians who have no particular motives for concealment turn. away from the monotonous and disgusting crimes " Deeds of cruelty, at is well observed by Matteo Villani, after relating an action of Bernabo Viscouti, "are little worthy of remembrance vet let me be excused for having recounted one out of many, as an example of the peril to which men are exposed under the yoke of an unbounded tyramy . The reign of Bernabo afforded abundant instances of a like kind. Second only to Eccelin among the tyrants of Italy, he rested the security of his dominion apon tortures and death, and his laws themselves chact the protraction of capital punishment through forty days His nephew Giovanni Maria is of suffering t said, with a madness like that of Nero or Commodus, to have coursed the streets of Milan by might with blood-hounds, ready to chase and tear any unlucky passenger ! Nor were other Italian principalities free from similar tyrants, though none perhaps upon the whole so odious as the Visconti. The private history of many families, such for instance as the Scala and the Gonzaga, is

<sup>4</sup> Coro. p. 595. P 434 † Susmonds, tvi p 316 Co no lat di Milano, p. 4 ili VOL 1 6.6

PARTII ITALY

CHAP but a series of assassinations. The ordinary vices of mankind assumed a tint of portentous guilt in the palaces of Italian princes. Their revenge was fratricide, and their lust was incest !

Acquisi tions of Florence

Though fertile and populous, the proper district temory by of Florence was by no means extensive. An in-. dependent nobility occupied the Tuscan Apennines with their castles. Of these the most conspicuous were the counts of Guidi, a numerous and powerful family, who possessed a material influence in the ' affairs of Florence and of all Tuscany till the middle of the fourteenth century, and some of whom preserved their independence much longer \* To the south, the republics of Arezzo, Perugia, and Siena: to the west, those of Volterra, Pisa, and Lucca: Prato and Pistoja to the north, limited the Florentine territories It was late before these boundaries were removed. During the usurpations of Uguecione at Pisa, and of Castruccio at Lucca, the republic of Florence was always unsuccessful in the field. After the death of Castruccio. she began to act more vigorously, and engaged in several confederacies with the powers of Lombardy. especially in a league with Venice against Mastino della Scala. But the republic made no acquisition of territory till 1351, when she annexed the small city of Prato, not ten miles from her walls † Pis-

but the republic had some reason to apprehend that Prato might fall into the bands of the Visconti Their conduct towards Putora was influenced by the same motive, but it was still further removed from absolute justice p 91

<sup>\*</sup> St. Villams, I. v c. 37, 41, et alibs. The last of the counts Guids, having unwisely embarked in a confederacy against Florence, was obliged to give up his ancient pa

trimony in 1440 † M. Villani, p. 72 This was rather a measure of usurpation.

toja, though still nominally independent, received CHAP a Plorentine garrison about the same time. Several PART II additions were made to the district, by fair purchase from the nobility of the Apennines, and a HALL. few by main force. The territory was still very little proportioned to the fame and power of Florence. The latter was founded upon her vast. commercial opulence. Every Italian state employed mercenary troops, and the richest was of course the most powerful. In the war against Mastino della Scala in 1336, the revenues of Plorence are reckoned by Villani at three hundred thousand florins, which, as he observes, is more than the king of Naples or of Aragon possesses.\* The expenditure went at that time very much beyond the receipt, and was defrayed by loans from the principal mercantile firms, which were secured by public funds; the earliest instance, I believe, of that financial resource 1 Her population was computed at ninety thousand souls. Villant reckons the district at eighty thousand men, I presume those only of military age; but this calculation must have been too large, even though he included, as we may presume, the city in his estimate.† Tuscany, though well cultivated and

The district of Florence was not then much larger than Middless x At present, the revenues of the whole duchy of Tuscany are much less than 150,000/ sterling, though the difference in the value of money is very considerable

G Villani, 1 xi c 90—98 These chapters contain a very full and interesting statement of the revenues, expenses, population, and masspal condition of Florence at that time Part of them is extracted by M Sismondi, t v p 365 The gold flore was worth about ten shillings of our money

<sup>†</sup> f. Villani, I zi c 49 ; ( 93 Fromano diligente-

CHAP IIL PART II ITALY.

Pisa

flourishing, does not contain by any means so great a number of inhabitants in that space at present The first eminent conquest made by Florence was that of Pisa, early in the fifteenth century Pisa had been distinguished as acommercial city ever since the age of the Othos. From her ports and those of Genoa, the carliest naval armaments

mente, che in questi tempi deca in Firenze circa a 25 mil cammin - c portare arme da 15 in 70 anni-Istat avasi avere in Lie nzi da 20 mila hocche tra uomini e femini e tanefully per l'avviso del pane bisoguava al continuvo alla citta These proportions, of 25,000 men between tifteen and seventy, and of 60,000 souls are no mearly as possible consument to mention calculation, of which Villant knew nothing, which confirms his accup Joy, that the city i attimed 150,000 inhabitants, on no better authority, as far as at pears, then that of Boccarcio, who says that 100,000 perished in the great plague of 1348, which was sense rally supposed to destroy two out of three But surely two sarne suppositions are not to be combined, in order to overthrow such a testimony as that of Villian, who seems to have consulted all registers and other authentic documents in his reach

What Villant says of the population of the district may lead us to reckon at perhaps, at about 180,000 souls, allowing the baptisms to be one in thirty of the population. Ragionavasi in questi tempi aways nel contado e distretto di Firenze de 80 mila ucomini. Troviamo del piovano, che batter zava i fanciulli, impero he per comi

maschio, che batte ava er s On anaper were the ore to te cum clava no race politica intension սուհյունա հաշտությա in our transprobable become man, avanzando legas com di mesemmed a topic operari Buy using could only be purforness in one jubic tont, it Hore Proceeds one one remes building that common this for, readled the Battery haptistern's of Horeney and Pisstill someon, and an well known Du Cosp. v. Rijerski om - 100 there were fifty-seven par sla , a " cool built familian characters within the city Villaria itad. Mr. Rosso has published a mean script, a clearly written after t taking of Previnction, though, I should guess not long after event, containing a propositi an income tra of ten , throughout the Horenane an mons. Among its other calcula tions, the population is seek oneas. 400,000, assuming that to be the proportion to tapica non of mile tary age, though certainly beyond the mark. It is surgiciar that the district of Florence in 1943, is esumated by Villam to contain as great a number, before Pina, Vill terra, or even Prato and Pistoja had been annexed to it Ros cor Lafe of Lurenzo Appendix, No 16

of the western nations were fitted out against the CHAP Saracen corsairs who infested the Mediterranean III In the eleventh century, she undertook, and, after a pretty long struggle, completed, the HALY unportant, or it least the splendid, conquest of Sardinia, an island long subject to a Moorish Several noble families of Pisa, who had defraved the chief cost of this expedition, shared the island in districts, which they held in hef of the republic \* At a later period, the Baleane isles were subjected, but not long retained by Pisa Her naval prowess was supported by hercommerce. A writer of the twelfth century reproaches her with the Jews, the Arabians, and other "monsters of the sea," who thronged in her streets † The crusades poured tresh wealth into the lap of the maritime Italian cities In some of those expeditions a great portion of the armament was conveyed by sea to Palestine, and freighted the vessels of Pisa, Genoa, and Venice When the Christians had bought with their blood the sea-coast of Syria, these republics procured the most extensive privileges in the new states that were formed out of their slender conquests, and became the conduits through which the produce of the east flowed in upon the ruder natives of Europe. Pisa main-

Susmonds, tip 345 372.

<sup>†</sup> Qui pergit Pisas, videt illic monetra marina, Hisc urbs Paganis, Turchis, Libyers quoque, Parthis,

Sordida, Chaldei sua lustraut mornia tetri. Donizo, Vita Comitison Mathildu, apud Muratori, Dia MI 31

HAP. III. PART II.

tained a large share of this commerce, as well as of maritime greatness, till near the end of the thirteenth century. In 1282, we are told by Villani, she was in great power, possessing Sardinia, Corsice, and Elba; from whence the republic, as well as private persons, derived large revenues, and almost ruled the sea by their ships and merchandizes, and beyond sea were very powerful in the city of Acre, and much connected with the principal citizens of Acre." The prosperous ara of the Pisans is marked by their public edifices She was the first Italian city that took a pride in architectural magnificence. Her cathedral is of the eleventh century; the baptistery, the famous inclined tower, or belfry, the areades that surround the Campo Santo, or cemetery of Pisa, are of the twelfth, or, at latest, of the thirteenth.+

It would have been no slight anomaly in the annals of Italy, or we might say, of mankind, if two neighbouring cities, competitors in every mercantile occupation, and every naval enterprize, had not been perpetual enemies to each other. One is more surprized, if the fact be true, that no war broke out between Pisa and Genoa till 1119.; From this time at least they continually recurred. An equality of forces and of courage kept the conflict uncertain for the greater part of two centuries. Their battles were numerous, and sometimes, taken separately, decisive, but the public spirit and re-

<sup>\*</sup> Villani, l.vi. e 83 . Muratori, ad ann 1119 † Sismondi, t re p 178 Tiraboschi, t m p 406

sources of each city were called out by defeat, and CHAP we generally find a new armament replace the PARTIL losses of an unsuccessful combat In this respect, the naval contest between Pisa and Genoa, though much longer protracted, resembles that of Rome and Carthage in the first Punic war. was reserved for her Ægudes. In one fatal battle. off the little isle of Meloria, in 1284, her whole navy was destroyed. Several unfortunate and expensive armanients had almost exhausted the state, and this was the last effort, by private sacrinces, to equip one more flect. After this defeat it was in vain to contend for empire. Eleven thousand Pisans languished for many years in prison; it was a current saying, that whoever would see Pisa, should seek her at Genoa. A treacherous chief, that Count Ugolino, whose guilt was so terribly avenged, is said to have purposely lost the battle, and prevented the ransom of the captives, to secure his power accusations that obtain easy credit with an unsuccessful people.

From the epoch of the battle of Meloria, Pisa ceased to be a maritime power. Forty years afterwards she was stripped of her ancient colony, the island of Sardinia. The four Pisan families who had been invested with that conquest had been apt to consider it as their absolute property; their appellation of judge seemed to indicate deputed power; but they sometimes assumed that of king; and several attempts had been made to establish an immediate dependence on the empire, or even on the pope. A new potentate had now come

ITALY.

CHAP
III
PART II
ITALY

forward on the stage. The malecontent feuda. taries of Sardinia made overtures to the king of Aragon, who had no scruples about attacking the indisputable possession of a declining republic Pist made a few unavailing efforts to defend Sardinia, but the nominal superiority was hardly worth a contest; and she surrendered her rights to the crown of Aragon Her commerce now dwindled with her greatness During the tourteenth century, Pisa almost renounced the ocean, and directed her main attention to the politics of Tuscany. Ghibelin by invariable predilection, she was in constant opposition to the Guelt cities which looked up to Florence. But in the fourteenth century the names of freeman and Ghibelin were not easily united, and a city in that interest stood insulated between the republics of an opposite faction, and the tyrants of her own several times under the voke of usurpers, she was included in the wide-spreading acquisitions of Gian Galeazzo Visconti, at his death one of his family seized the dominion, and finally the Florentines purchased for 400,000 florins a rival and once equal city The Pisans made a resistance more according to what they had been, than what they were.

Genea -Her was with Pisa The early history of Genoa, in all her foreign relations, is involved in that of Pisa. As allies against the Saracens of Africa, Spain and the Mediterranean islands, as corrivals in commerce with these very Saracens, or with the Christians of the east, as co-operators in the great expeditions under

the banner of the cross, or as engaged in deadly CHAP warfare with each other, the two republics stand PART II. in continual parallel. From the beginning of the thirteenth century, Genou was, I think, the more HALY promment and dourishing of the two conquered the island of Corsica, at the same time that Pisa reduced Sardinia, and her acquisition. though less considerable, was longer preserved. Her territory at home, the ancient Liguria, was much more extensive, and, what was most important, contained a greater range of sea coast than that of Pisa But the commercial and maritime prosperity of Genoa may be dated from the recovery of Constantinople by the Greeks in 1261. Jealous of the Venetians, by whose arms the Latin emperors had been placed, and were still maintained on their throne, the Genoese assisted Pala ologus in overturning that usurpation obtained in consequence the suburb of Pera or Galata over against Constantinople as an exclusive settlement, where their colony was ruled by a magistrate sent from home, and frequently defied the Greek capital with its aimed gallies and intrepid seamen. From this convenient station Genoa extended her commerce into the Black Sea. and established her principal factory at Caffa, in the Crimean peninsula. This commercial monopoly, for such she endeavoured to render it, aggravated the animosity of Venice. As Pisa retired And Venice from the field of waters, a new enemy appeared upon the horizon to dispute the maritime dominion of Genoa Her first war with Venice was in

PART II.

CHAP, 1258. The second was not till after the victory of Meloria had crushed her more ancient enemy. It broke out in 1293, and was prosecuted with ITALY, determined fury, and a great display of maval strength on both sides. One Genouse armanient. as we are assured by an historian, consisted of one hundred and fifty-five gallies, each manned with from two handred and twenty to three hundred sailors;\* a force astonishing to those who know the slender resources of Italy in modern times, but which is rendered credible by several analogous facts of good authority. It was, however, beyond any other exertion. The usual fleets of Genoa and Venice were of seventy to ninety gallies

> Perhaps the naval exploits of these two republies may afford a more interesting spectacle to some minds than any other part of Italian history. Compared with military transactions of the same age, they are more sangumary, more brilliant, and exhibit full as much skill and intrepolity. But maritime warfare is scanty in circumstances, and the indefiniteness of its locality prevents it from resting in the memory. And though the wars of Genoa and Venice were not always so unconnected with territorial politics as those of the former city with Pisa, yet, from the alternation of success and equality of forces, they did not often produce any decisive effect. One memorable encounter in the sua of Marmora, where the Genoese fought and conquered single-handed against the Venetians, the

<sup>\*</sup> Muraton, A I) 1295

Catalans, and the Greeks, hardly belongs to Italian CHAP history.\*

But the most remarkable war, and that productive of the greatest consequences, was one that commenced in 1378, after several acts of hostility in the Levant, wherein the Venetians appear to ward have been the principal aggressors. Genoa did Changa not stand alone in this war. A formidable confederacy was exerted against Venice, who had given provocation to many enemies Of this Francis Carrara, signor of Padua, and the king of Hungary were the leaders. But the principal struggle was, as usual, upon the waves. During the winter of 1378, a Genoese fleet kept the sea, and ravaged the shores of Dalmatia. The Venetian armament had been weakened by an epidemic disease, and when Vittor Pisani, their admiral, gave battle to the enemy, he was compelled to fight with a hasty conscription of landsmen against the best sailors in Entirely defeated, and taking refuge at Venice with only seven gallies. Pisani was cast into prison, as if his ill fortune had been his crime. Meanwhile the Genoese fleet, augmented by a strong remforcement, rode before the long natural ramparts that separate the lagunes of Venice from Six passages intersect the islands, the Adriatic. which constitute this barrier, besides the broader outlets of Brondolo and Fossone, through which the waters of the Brenta and the Adige are discharged. The lagune itself, as is well known,

PART II. ITALY.

CHAP III PART II TALY

consists of extremely shallow water, unnavigable for any vessel, except along the course of artificial and intricate passages. Notwithstanding the apparent difficulties of such an enterprize, Pictro Doria, the Genoese admiral, determined to reduce the city. His first successes gave him reason to hope. He forced the passage, and stormed the little town of Chioggia,\* built upon the inside of the isle bearing that name, about twenty-five nules. south of Venice. Nearly four thousand prisoners fell here into his hands an augury, as it seemed. of a more splendid triumph. In the consternation this misfortune inspired at Venice, the first impulse was to ask for peace. The ambassadors carried with them seven Genoese prisoners, as a sort of peace-offering to the admiral, and were empowered to make large and humiliating concessions, reserving nothing but the liberty of Venice Francis Carrara, strongly urged his allies to treat for peace. But the Genoese were stimulated by long hatred, and intoxicated by this unexpected opportunity of revenge. Dona, calling the ambassadors into council, thus addressed them. "Ye shall obtain no peace from us, I swear to you, not from the lord of Padua, till first we have put a curb in the mouths of those wild horses that stand upon the place of St. Mark. When they are bridled, you shall have enough of peace. Take back with you your Genoese captives, for I am

<sup>\*</sup> Chioggia, known at Venke by the usage of the Venetian dialect the name of Chioga, according to which changes the g into z

coming within a few days to release both them CHAP and their companions from your prisons." When Ht. this answer was reported to the senate, they prepared to defend themselves with the characteristic firmness of their government. Every eve was turned towards a great man unjustly punished, their admiral Vittor Pisani He was called out of puson to defend his country amidst general acclamations, but equal in magnanimity and simple republican patriotism to the noblest characters of intiquity, Pisani repressed the favouring voices of the multitude, and bade them reserve their enthusasm for St Mark, the symbol and war-cry of Under the vigorous command of Pisani, the canals were fortified or occupied by large vessels, armed with artillery, thirty-four gallies were equipped, every citizen contributed according to his power, in the entire want of commercial resources (for Venice had not a merchant-ship during this war private plate was melted, and the senate held out the promise of ennobling thirty families. who should be most forward in this strife of patriotism.

The new fleet was so all provided with seamen, that for some months the admiral employed them only in manœuvring along the canals - From some unaccountable supmeness, or more probably from the insuperable difficulties of the undertaking, the Genoese made no assault upon the city had indeed fair grounds to hope its reduction by Every access to the continent famme or despair was cut off by the troops of Padua, and the king

ITALY.

CHAP of Hungary had mastered almost all the Venetian mens in Istria and along the Dalmatian coast The doge Contarini, taking the chief command. appeared at length with his fleet near Chioggia hefore the Genuese were aware. They were still less aware of his secret design. He pushed one of the large round vessels then called cocche into the narrow passage of Chioggia, which connects the lagune with the sea, and mooting her athwart the chandle, interrupted that communication. tacked with fury by the enemy, this vessel went down on the spot, and the doge improved his advantage, by sinking loads of stones, until the passage became absolutely unnavigable still possible for the Genoese fleet to follow the principal canal of the lagune towards Venice and the northern passages, or to sail out of it by the harbour of Brondolo, but whether from confusion or from miscalculating the dangers of their position, they suffered the Venetians to close the canal upon them by the same means they had used at Chioggia, and even to place their fleet in the entrance of Brondolo, so near to the lagune that the Genoese could not form their ships in line of battle. The circumstances of the two combatants were thus entirely changed. But the Genoese fleet, though besieged in Chioggia, was impregnable, and their command of the land secured them from famine. Venice, notwithstanding her unexpected success, was still very far from secure, it was difficult for the doge to keep his position through the winter, and if the enemy could

appear in open sea, the risks of combat were CHAP extremely hazardous. It is said, that the senate deliberated upon transporting the seat of their liberty to Candia, and that the doge had an- many nounced his intention to raise the siege of Chiogeia. it expected succours did not arrive by the first of January 1380. . On that very day, Carlo Zeno, an\_\_. admiral, who, ignorant of the dangers of his country, had been supporting the honour of her flag in the Levant, and on the coasts of Ligurin. appeared with a reinforcement of eighteen gallies. and a store of provisions. From that moment the confidence of Venice revived The fleet, now superior in strength to the enemy, began to attack them with vivacity. After several months of obstinate resistance, the Genoese, whom their republic had ineffectually attempted to rehere by a fresh armament, blocked up in the town of Chioggia, and pressed by hunger, were obliged to surrender. Ameteen gallies only out of forty-eight were in good condition, and the crews were equally diminished in the ten months of their occupation of Chioggia The pride of Genoa was deemed to be justly humbled; and even her own historian confesses, that God would not suffer so noble a city as Venice to become the spoil of a conqueror.\*

\* L. Stella, Annaies Gennensus, Gataro, Istoria Padovana Both these contemporary works, of which the latter gives the best relation, are in the seventeenth volume of

Muraturi's collection mondi's narrative is very clear and apprited. Hist des Republ Ital t vis p 20 , 2 .2

CHAP
HI.
PART II

Each of the two republics had sufficient reason manner their mutual prejudices, and the withsh cupidity of their merchants, which usurps in all maritime countries the name of patriotism. Though the capture of Chioggia did not terminate the war both parties were exhausted, and willing, next year, to accept the mediation of the duke of Savov By the peace of Turm, Venice surrendered most of her territorial possessions to the king of Hungary at That prince, and Francis Carrara, were the only gainers. Genoa obtained the isle of Tenedos one of the original subjects of dispute, a poor indemnity for her losses. Though, upon a hasty view, the result of this war appears more unfavourable to Venice, yet in fact it is the epoch of the decline of Genoa. From this time she never commanded the ocean with such navies as before her commerce gradually went into decay fifteenth century, the most splendid in the annals of Venice, is, till recent times, the most ignominious in those of Genoa But this was partly owing to internal dissensions, by which her liberty. as well as glory, was for a while suspended.

Government of Genos At Genoa, as in other cities of Lombardy, the principal magistrates of the republic were originally styled Consuls. A chronicle drawn up under the inspection of the senate perpetuates the names of these early magistrates. It appears that their number varied from four to six, annually elected by the people in their full parliament. These consuls presided over the republic and commanded the forces by land and sea, while another class of

magistrates, bearing the same title, were annually CHAP elected by the several companies into which the PART II. neople were divided, for the administration of civil justice \* This was the regimen of the twelfth century; but in the next, Genoa fell into the tashion of entraisting the executive power to a toreign podestik. The podesta was assisted by a... council of eight, chosen by the eight companies of This institution, it indeed it were any thing more than a custom or usurpation, originated probably not much later than the beginning of the thirteenth century It gave not only an aristocratic, but almost an obgaichical character to the constitution, since many of the nobility were not members of these eight societies. Of the senate or councils we hardly know more than their existence, they are very little mentioned by his-Every thing of a general nature, every thing that required the expression of public will, was reserved for the entire and unrepresented sovereignty of the people. In no city was the parhament so often convened, for war, for peace, for alhance, for change of government to These very dissonant elements were not likely to harmonize The people, sufficiently accustomed to the forms of democracy to imbibe its spirit, repined at the practical influence which was thrown into the scale of the nobles. Nor did some of the latter class scruple to enter that path of ambition, which leads to power by flattery of the populace Two or

<sup>\*</sup> Sismondi, t. i p 353 + ld. L. m p 314 VOL. L. H H

PART II.

these times within the thirteenth century, an high. both demagague had nearly overturned the general liberty, like the Tormani at Milan, through the pretence of defending that of individuals \* Among the nobility themselves, four houses were distinguished beyond all the rest: the Grimaldi, the - Fieschi; the Doria, the Spinola, the two former of Guelf politics, the latter adherents of the empire t Perhaps thereequality of forces, and a jealousy which even the families of the same faction entertained of each other, prevented any one from usurping the signiory at Genoa Neither the Guelf nor Ghibelin party obtaining a decisive preponderance, continual revolutions occurred in The most celebrated was the expulsion of the Ghibelins under the Doria and Spinola in They had recourse to the Visconti of Milan, and their own resources were not unequal to cope with their country The Guelfs thought it necessary to call in Robert king of Naples always ready to give assistance as the price of dominion, and conferred upon him the temporary sovereignty of Genoa. A siege of several vears duration, if we believe an historian of that age, produced as many remarkable exploits as that of Troy. They have not proved so interesting to posterity. The Ghibelins continued for a length of time excluded from the city, but in possession of the sea port of Savona, whence they traded and equipped fleets, as a rival republic, and even

<sup>\*</sup> Sismondi, p 324 † Id. t ur p 328

entered into a separate war with Venice. Expe- CHA rience of the uselessness of hostility, and the links to which they exposed their common country, produced a reconciliation, or rather a compromise in 1331, when the Ghibelins returned to Genon But the people felt that many years of misfortune had been owing to the private enmittees of four. overbearing families. An opportunity soon offered of reducing their influence within very nariow bounds

The Ghibelin faction was at the head of affairs Helphof m 1339, a Doria and a Spinola being its leaders, beg when the discontent of a large fleet in want of pay broke out in open insurrection. Savona and the neighbouring towns took arms avowedly against the aristocratical tyranny, and the capital was itself on the point of joining the insurgents. There was, by the Genoese constitution, a magistrate. named the Abbot of the people, acting as a kind of tribune for their protection against the oppression of the nobility. His functions are not, however, in any book I have seen, very clearly defined. This office had been abolished by the present government, and it was the first demand of the malecontents that it should be restored. This was acceded to, and twenty delegates were appointed to make the choice. While they delayed and the populace was grown weary of waiting, a nameless artisal called out from an elevated station, that he could direct them to a fit person. When the

Villani, l ix passim н н 2

HAP IN PART IL ITALY

perile, in jest, hade him speak on, he uttered the of Simon Boccanegra. This was a man of noble birth, and well esteemed, who was then present among the crowd. The word was suddenly taken up, a cry was heard that Boccanegra should be abbot; he was instantly brought forward, and the sword of justice forced into his hand. As soon as silence could be obtained, he modestly thanked them for their favour, but declined an office, which his nobility disqualified him from exercising this, a single voice out of the crowd exclaimed, Sigmor; and this title was reverberated from every Fearful of worse consequences, the actual magistrates urged him to comply with the people, and accept the office of abbot. But Boccanegra, addressing the assembly, declared his readiness to become their abbot, signior, or whatever they would. The cry of signior was now louder than before, while others cried out let him be duke The latter title was received with greater approbation; and Boccanegra was conducted to the palace, the first duke, or doge of Genoa \*

Subsequent revolutions Caprice alone, or an idea of more pomp and dignity, led the populace, we may conjecture, to prefer this title to that of signior; but it produced important and highly beneficial consequences. In all neighbouring cities, an arbitrary government had been already established under their respective signiors; the name was associated with indefinite power: while that of doge had only been taken

<sup>\*</sup> G Stella Annal Genuenses, in Script. Rev Ital t xvii. p 1072

by the elective and very limited chief magnetrate CHAPET of another maritime republic. Neither Bocomegra, nor his successors, ever rendered their authority infimited or hereditary. The constitution of HALL Genoa, from an oppressive aristocracy, became a mixture of the two other forms, with an exclusion of the nobles from power Those four great families, who had domineered alternately for almost a century, lost their influence at home-after the revolution of 1339. Yet, what is remarkable enough, they were still selected in preference for the highest of trusts, their names are still identified with the olory of Genoa , her fleets hardly sailed but under a Doria, a Spinola, or a Grimaldi, such confidence could the republic bestow upon their patriotism. or that of those whom they commanded while two or three new tambles, a pleberan oligarchy, filled their place in domestic honours, the Adorm, the Fregosi, the Mont du, contended for the ascendant From their competition ensued revolutions too numerous almost for a separate history, in four years, from 1390 to 1394, the doge was ten times changed, swept away or brought back in the fluctuations of popular tumult Antoniotto Adorno, tour times doge of Genoa, had sought the friendship of Gian Galeazzo Visconti. but that crafty tyrant meditated the subjugation of the republic, and played her factions against one another to render her fall secure. perceived that there was no hope for ultimate mdependence, but by making a temporary sacrifice His own power, ambitious as he had been,

CHAP.
HI.
PARTH.
ITALY.

r. ha voluntarily resigned; and placed the republic in. France. Terms were stipulated, very favourable to her liberties, but with a French garrison one, received into the city, they were not always sure of observance.\*

V com

While Genoa lost even her political independence. Venice became more conspicuous and powerful than before. That famous republic deduces its original, and even its liberty, from an aera beyond . the commencement of the middle ages netians boast of a perpetual emancipation from the voke of barbarians From that ignominious servitude some natives, or, as their historians will have it, nobles of Aquileja, and neighbouring towns a **fled** to the small cluster of islands that rise anidst the shoals at the mouth of the Brenta built the town of Rivoalto, the modern Venice, in 421; but then chief settlement was, till the beginning of the minth century, at Malamocco. hving writer has, in a passage of remarkable cloquence, described the sovereign republic, immoveable upon the bosom of the waters from which her palaces emerge, contemplating the successive tides of continental invasion, the rise and fall of empires. the change of dynasties, the whole moving scene of human revolution; till, in her own turn, the last surviving witness of antiquity, the common link between two periods of civilization, has sub-

ebbe Roma, ma da potenti, e nobili

<sup>\*</sup> Sismondi, t. vii p 237 367 † Ehhe principio, says Sanuto haughtily, non da pastori, come

mitted to the destroying hand of time. Some ( HAE part of this renown must, on a cold-blooded seraitiny, be detracted from Venice Her independence was, at the best, the fruit of her obscurity Neglected upon their islands, a people of fishermen their islands, a people of fishermen might without molestation elect their own magis- (instrum trates; a very equivocal proof of sovereignty in cities much more considerable than Venice. both the western and the eastern empire alternately pretended to exercise dominion over her, she was conquered by Pepin, son of Charlemagne, and restored by him, as the Chronicles say, to the Greek emperor Nicephorus There is every appearance that the Venetians had always considered themselves as subject, in a large sense not exclusive of their municipal self-government, to the eastern And this connexion was not broken, in embire | the early part, at least, of the tenth century. But, tor every essential purpose, Lenice might long before be deemed an independent state. Her doge

Summondi, trip 300

in the seventeenth century, but a very strong case is made out against their early independence in faith none's history to in p. 263 adit. Hata, 1753 - Muratori informs Hata, 1753 us, that so late as 1094, the door obtained the title of Imperials Protosevastos from the Court of Constantinople, a telle which hi continued always to use (Anniid' Italia, ad ann ) But I should lay no stress on this circumstates The Greak, like the Corman comparors in modern times had a mint of specious titles, which passed for ready money over ( hrutendom

f Nacphorus stipulities with Charlemagne for his faithful city of Linice, Que in devotion unpern illibate steterant. Dinduh Chronicon, in Muratori Script Rer Ital t xii p 150. In the tenth century, Constantio Porphysogenius, in his book De Adminutratione Imperil, claims the Venetians as his subjects, though he admits that they had, for peace sake, paid tribute to Pepin and his successors, as kings of Italy p 71 I have never seen the famous Squitumo della blacci Veneti, which gave the republic so much offers t

ITALY.

was not confirmed at Constantinople, she paid no timete, and lent no assistance in war. Her own navies, in the minth century, encountered the Normans, the Saracens, and the Sclavonians in the Adriatic sea. Upon the coast of Dalmatia were several Greek cities, which the empire had ceased to protect, and which, like Venice itself, became republics for want of a master. Ragusa was on

Dalmeta 997

of these, and, more fortunate than the rest. 'surconquest of vived as an independent city till our own age return for the assistance of Venice, these little seaports put themselves under her government, the Sclavonian pirates were repressed, and after acquiring, partly by consent, partly by arms, a large tract of maritime territory, the doge took the title of duke of Dalmatia, which is said by Dandolo to have been confirmed at Constantinople four centuries, however, clapsed, before the republic became secure of these conquests, which were frequently wrested from her by tebellions of the inhabitants, or by her powerful neighbour, the king of Hungary.

Her acquisi tions in the Levant

A more important source of Venetian greatness was commerce In the darkest and most barbarous period, before Genoa or even Pisa had entered into mercantile pursuits, Venice carried on an extensive traffic both with the Greek and Saracen regions of the Levant The crusades cariched and aggrandized Venice more, perhaps, than any other city. Her splendour may, however, be dated from the taking of Constantinople by the Latins in 1204. In this famous enterprize,

4

which diverted a great armament destined for the CHAP. recovery of Jerusalem, the French and Venetics nations were alone engaged, but the former only as private adventurers, the latter with the whole strength of their republic under its doge, Henry Three eighths of the city of Constantmople, and an equal proportion of the provinces, were allotted to them in the partition of the spoil, and the doge took the singular, but accurate title, Duke of three eighths of the Roman empire. Their share was increased by purchases from less opulent crusaders, especially one of much importance, the island of Candia, which they retained till the middle of the seventeenth century foreign acquisitions were generally granted out in net to private Venetian nobles under the supremacy of the republic. It was thus that the Ioman islands, to adopt the vocabulars of our day, came under the dominion of Vergee, and guaranteed that sovereignty which she now began to Those of the Archipeaffect over the Adriatic lago were lost in the sixteenth century political greatness was austained by an increasing No Christian state preserved so considerable an intercourse with the Mohammedans. While Genoa kept the keys of the Black Sea by her colonies of Pera and Caffa, Venice directed her vessels to Acre and Alexandria These connexions, as is the natural effect of trade, deadened the sense of religious antipathy, and the Vene-

CHAP
III.
PART II.
HALY.
Venetian
government

tians were sometimes charged with obstructing all courts towards a new crusade, or even any partial acks upon the Mohammedan nations.

The earliest form of government at Venuce, do we collect from an epistle of Cassiodorus in the sixth century, was by twelve annual tribunes Perhaps the union of the different islanders was merely federative. However, in 697, they resolved to elect a chief magistrate by name of duke, or, in their dialect, doge of Venice. "No .. councils appear to have limited his power, or represented the national will The doge was general and judge, he was sometimes permitted to associate his son with him, and thus to prepare the road for hereditary power, his government had all the prerogatives, and, as far as in such a state of manners was possible, the pomp of a mo-But he acted in important matters with the concurrence, of a general assembly, though from the want of positive restraints his executive government might be considered as nearly abso-Time, however, demonstrated to the Venetians the imperfections of such a constitution Limitations were accordingly imposed on the doge in 1032, he was prohibited from associating a son in the government, and obliged to act with the consent of two elected counsellors, and, on important occasions, to call in some of the principal citizens. No other change appears to have taken place till 1172, long after every other Italian city had provided for its liberty by constitutional laws, more or less successful, but always

manifesting a good deal of contrivance and com- CHAP plication. Venice was, however, dissatisfied with her existing institutions. General assemblies with found, in practice, inconvenient and unsatisfactory. Yet some adequate safeguard against a magistrate of indefinite powers was required by A representative council, as in other remables, justly appeared the best innovation the tribute and the tribute of \*

ITAL Y

The great council of Venice, as established in 1172, was to consist of four hundred and eighty citizens, equally taken from the six districts of the city, and annually renewed. But the election was not made immediately by the people. Two electors, called tribunes, from each of the six districts, appointed the members of the council by separate nomination. These tribines, at first, were themselves chosen by the people; so that the intervention of this electoral body did not apparently trespass upon the democratical character of But the great council, princithe constitution pally composed of men of high birth, and invested by the law with the appointment of the doge and of all the councils of magistracy, seem, early in the thirteenth century, to have assumed the right of naming their own constituents Besides au-

the latest and probably most ac curate historian To avoid frequent reference, the principal passages in Sismondi relative to the domestic revolutions of Venice, are Lip 323 timp 287-300 Liv pp 349-370

<sup>\*</sup> Susmonds, timp 287 As I have never met with the Storia civile Veneta by Vettor Sandi in nine vois 4to, or even laughts History of Venice, my reliance has chiefly been placed on M Sismonds who has made use of \ands.

ITALY

CHAP, pointing the tribunes, they took upon themselves another privilege; that of confirming or rejecting their successors, before they resigned their fun-These usurpations rendered the annual election almost nugatory, the same members were usually renewed, and though the dignity of counsellor was not yet hereditary, it remained, upon the whole, in the same families In this transitional state the Venetian government continued during the thirteenth century, the people actually debarred of power, but an hereditary aristocracy not completely or legally confirmed of electing, or rather of re-electing, the great council was transferred, in 1297, from the til bunes, whose office was abolished, to the council of forty, they ballotted upon the names of the members who already sat: and whoever obtained twelve favouring balls out of forty retained his place. The vacancies occasioned by rejection or death were filled up by a supplemental list formed by three electors, nominated in the great council But they were expressly prohibited by laws of 1298 and 1300, from inserting the name of any one' whose paternal ancestors had not enjoyed the same honour. Thus an exclusive hereditary aristocracy was finally established. And the personal rights of noble descent were rendered complete in 1319, by the abolition of all elective forms the constitution of Venice, as it was then settled. every descendant of a member of the great council, on attaining twenty-five years of age, entered as of right into that body, which of course became CHAP. unlimited in its numbers \*

PART II.

But an assembly so numerous as the great council, even before it was thus thrown open to all the nobility, could pever have conducted the , public affairs with that secrecy and steadiness which were characteristic of Venice; and without an intermediary power between the doge and the patrician multitude, the constitution would have gamed nothing in stability to compensate for the loss of popular freedom. The great council had proceeded, very soon after its institution, to limit the ducal prerogatives That of excicising criinitial justice, a trust of vast importance, was transferred in 1179 to a council of forty members annually chosen. The executive government itself was thought too considerable for the doge without some material limitations. Instead of naming his own assistants or pregadi, he was only to preside in a council of sixty members, to whom the care of the state in all domestic and foreign relations, and the previous deliberation upon proposals submitted to the great council, was confided. This council of pregadi, generally called in later

\* The se gradual changes between 1297 and 1 19 were first made known by Sandi, from whom M Susponds has introduced the facts into his own history. I notice thes, because all former writers, both ancient and modern, fix the complete and final establishment of the Venetian aristocracy in 1297

Twenty five years complete was the statutuble age, at which every

Venetian noble had a right to take has sent in the great council But the names of those who had passed the age of twenty were annually put into an urn, and one-fifth drawn out by lot, who were there-upon admitted. On an average, therefore, the age of admission was about twenty-three Jannoius de Hep \ enet.—Contarent —Amelot de la Houssaye

PART II. ITALY

CHAP times the senate, was enlarged in the fourteenth century by sixty additional members, and as a great part of the magistrates had also seats in it. the whole number amounted to between two and three hundred. Thoughethe legislative power, properly speaking, remained with the great council, the senate used to impose taxes, and had the exclusive right of making peace and war. It was annually renewed, like almost all other councils at Venice, by the great council—But since even this body was too numerous for the preliminary discussion of business, six counsellors, forming, along with the doge, the sigmory, or visible representative of the republic, were empowered to dispatch orders, to correspond with ambassadors, to treat with foreign states, to convoke and preside in the councils, and perform other duties of an adminis-Inspart of these they were obliged to act with the concurrence of what was termed the college, comprizing, besides themselves, certain select counsellors, from different constituted authorities \*

> It might be imagined, that a dignity so shorn of its lustre, as that of doge, would not excite an overweening ambition. But the Venetians were still jealous of extinguished power, and while their constitution was yet immature, the great

niory had the same privilego Thus the virtual powers even of the senate were far more limited than they appear at first sight, and no possibility remained of innovation in the fundamental principles of the constitution

<sup>\*</sup> The college of Savj consisted of sixteen persons, and it pos-sessed the instantes in all public measures that required the assent of the sessie. For no single-senator, rauch less any noble of the great council, could propose any thing for debate. The Sig-

council planned new methods of restricting their CHAP chief magistrate. An oath was taken by the doge on his election, so comprehensive as to embrace every possible check upon undue influence. was bound not to correspond with foreign states, or to open their letters, except in the presence of the signiory, to acquire no property beyond the Venetian dominions, and to resign what he might already possess, to interpose, directly or indirectly, in no judicial process, and not to permit any citizen to use tokens of subjection in saluting him. As a further security, they devised a remarkable complicated mode of supplying the vacancy of his Election by open suffrage is always hable to tumult or corruption, nor does the method of secret ballot, while it prevents the one, afford in practice any adequate security against the other. Election by lot meurs the risk of placing incapable persons in situations of arduous trust The Venetian scheme was intended to combine the two modes without their evils, by leaving the absolute choice of their doge to electors taken by It was presumed that, among a competent number of persons, though taken promiscuously, good sense and right principles would gain such an ascendancy, as to prevent any flagrantly improper nomination, if undue influence could be For this purpose, the ballot was rendered exceedingly complicated, that no possible ingenuity or stratagem might ascertain the electoral body before the last moment lottery, if fairly conducted, is certainly sufficient

PART IL 11 A1 Y

CHAP III PART II for this end. At Venice, as many balls as then were members of the great council present, were placed in an urn. Thirty of these were gilt These holders of gilt balls were reduced by a second ballot to nine. The nine, elected forty, whom lot The twelve chose twenty-five reduced to twelve by separate nomination.\* The twenty-five were reduced by lot to nine, and each of the nine chose These forty-five were reduced to eleven, as before; the eleven elected forty-one, who were the ultimate voters for a doge. This intricace appears useless, and consequently absurd, but the original principle of a Venetian election for something of the same kind was applied to all then councils and magistrates may not always be unworthy of imitation In one of our best modern statutes, that for regulating the trials of contested elections, we have seen this mixture of chance and selection very happily introduced.

An hereditary prince could never have remained quiet in such trainmels as were imposed upon the doge of Venice. But early prejudice accustonismen to consider restraint, even upon themselves, as advantageous; and the limitations of ducal power appeared to every Venetian as fundamental as the great laws of the English constitution do to ourselves. Many doges of Venice, especially in the middle ages, were considerable men, but they were content with the functions assigned to them,

Amelot de la Houssave asserts this but, according to Contarent, the method was by ballot

which, if they could avoid the tantalizing com- CHAP parison of sovereign princes, were enough for the ambition of republicans For life the chief magistrates of their country, her noble citizens for ever, they might thank her in their own name for what she gave, and in that of their posterity for Once only a doge of Venice . . what she withheld. was tempted to betray the freedom of the republic. Main Falieri, a man far advanced in life, engaged, from some petty resentment, in a wild in-Ingue to overturn the government The conspiracy was soon discovered, and the doge avowed his An aristocracy so firm and so severe did not besitate to order his execution in the ducal palace

For some years after what was called the closing of the great council, or the law of 1296, which excluded all but the families actually in possession, a good deal of discontent shewed stself among the commonalty. Several commotions took place about the beginning of the fourteenth century, with the object of restoring a more popular regi-Upon the suppression of the last, in 1310, the aristocracy sacrificed their own individual treedom along with that of the people, to the preservation of an imaginary privilege. established the famous council of ten, that most remarkable part of the Venetian constitution. This council, it should be observed, consisted in fact of seventeen, comprizing the signiory, or the doge and his six counsellors, as well as the ten properly so called. The council of ten had by usage, if not by right, a controuling and dictatorial power over

1 1

VOL. I

ITALY.

1355

CHAP
IIL
PART II
ITALY.

the senate, and other magistrates; rescinding their decisions, and treating separately with foreign Their vast influence strengthened the executive government, of which they formed a part, and gave a vigour to its movements, which the jealousy of the councils would possibly have · . impeded. But they are chiefly known as an arbitrary and inquisitorial tribunal, the standing teranny of Venice. Excluding the old council of forty, a regular court of criminal judicature, not . only from the investigation of treasonable charges, but of several other crimes of magnitude, they inquired, they judged, they punished, according to what they called reason of state The public eve never penetrated the mystery of their proceedings. the accused was sometimes not heard, never confronted with witnesses, the condemnation was secret as the inquiry, the punishment undivulged like both \* The terrible and odious machinery of a police, the insidious spy, the stipendiary informer. unknown to the carelessness of feudal governments found their natural soil in the republic of Venice Tumultuous assemblies were scarcely possible in so peculiar a city, and private conspiracies never failed to be detected by the vigilance of the council of Compared with the Tuscan republies, the tranquillity of Venice is truly striking. The names of Guelf and Ghibelin hardly raised any emotion in her streets, though the government was consi-

Itiam etiam mosem observant, ne reum, cum de eo judicium laturi sunt, in collegium admittant,

neque cognitorem, aut oratorem quempiam, qui ejus causam agat Contarem de Rep Venet

dered in the first part of the fourteenth century as CHAP. rither inclined towards the latter party.\* wildest excesses of faction are less dishonouring than the stillness and moral degradation of servitude.1

It was a very common theme with political writers, till about the beginning of the last century, when Venice fell almost into oblivion, to descant upon the wisdom of this government deed if the preservation of ancient institutions be, as some appear to consider it, not a means, but an end, and an end for which the rights of man and laws of God may at any time be set aside, we must icknowledge that it was a wisely constructed sys-Formed to compress the two opposite forces, non which resistance might be expected, it kept both the doge and the people in perfect subordination. Even the coalition of an executive magistrate with the multitude, so fatal to most aristotracies, never endangered that of Venice

 Villani several times speaks il the Venetians as regular Chineor lix c 2 l x c 50 &c But the is put much too strongly to agh their government may have ion, they were in reality neutral, ed far enough removed from any domestic feuds upon that score

† By the modern law of Venice, a nobleman could not engige in 'rade without derogating from his rank, but I am not aware whether a should a restriction existed in the Surteenth and biterath centuties I do not had this peculiarity observed by Januatti and Contanetma government. It is noticed

ha Amelot de la Houssaye, who tells us also, that the nobility evaded the law to sorret partner ship with the privileged merchants, or creading who formed a separate class at Venue. This was the custom in modern times. But I have never understood the principle, or common sense, of such a restriction, especially combined with that other flindamental law, which disqualified a Venetian nobleman from possessing a landed estate on the terrs firms of the republic. The latter, however, did not extend, as I have been in formed, to Dalmatia, or the lenusa islands

(IIAP HALY

most remarkable, that a part of the constitution which destroyed every man's security, and incurred general hatred, was still maintained by a sense of its necessity. The council of ten, annually renewed, might annually have been annihilated The great council had only to withhold their . \_\_suffrages from the new candidates, and the tyranny expired of itself This was several times at tempted (I speak now of more modern ages , but the nobles, though detesting the council of tea never steadily persevered in refusing to re-elect it It was, in fact, become essential to Venice great were the vices of her constitution, that she could not endure their remedies If the connect of ten had been abolished at any time since the fifteenth century, if the removal of that jealous despotism had given scope to the corruption of a poor and debased aristocracy, to the licence of a people unworthy of freedom, the republic would have soon lost her territorial possessions, if not her own independence. If indeed it be true, as itported, that during the last hundred years this formidable tribunal had sensibly relaxed its vigilance, if the Venetian government had become less tyrannical through sloth, or decline of national spirit, our conjecture will have acquired the confimation of experience. Experience has recently shown, that a worse calamity than domestic tyranny might befall the queen of the Adriatic In the place of St. Mark, among the monuments of extinguished greatness, a traveller may regret to think that an insolent German soldiery has

replaced even the senators of Venice. Her ancient CHAP. liberty, her bright and romantic career of glory in countries so dear to the imagination, her magnanimous defence in the war of Chioggia, a few thinly scattered names of illustrious men, will rise upon his mind, and mingle with his indignation at the treachery which robbed her of her independence . . But if he has learned the true attributes of wisdom in civil policy, he will not casily prostitute that word to a constitution formed without reference to property or to population, that vested sovereign power partly in a body of impoverished nobles, partly man overruling despotism, or to a practical system of government that made vice the ally of tyranny, and sought impunity for its own assassinations by encouraging dissoluteness of private life. haps too the wisdom so often imputed to the senate mats foreign policy thas been greatly exaggerated. The balance of power established in Europe, and above all in Italy, maintained for the two last centuries states of small intrinsic resources, without any efforts of their own In the ultimate crisis, at least, of Venetian liberty, that solemn mockery of statesmanship was exhibited to contempt, too blind to avert danger, too cowardly to withstand it, the most ancient government of Europe made not an instant's resistance, the peasants of Underwald died upon their mountains, the nobles of Venice clung only to their lives.\*

PARTH HALY

known, though interesting to the history of our own age a collection of documents adustrating the

<sup>.</sup> See in the Edinburgh Review, vol an p 379 an account of a book, which is, perhaps, little

CHAP.
III
PART II.
ITALY
Irrator el a qui actions of Venire

Until almost the middle of the fourteenth century, Venice had been content without any terntorial possessions in Italy, unless we reckon a very narrow strip of sea coast, bordering on helagunes, called the Dogato. Neutral in the great contests between the church and the empire, be-

- tween the free cities and their sovereigns, she was respected by both parties, while neither ventured to claim her as an ally. But the rapid progress of Mastino della Scala, loid of Verona, with some particular injuries, led the senate to form a league with Florence against him. Villain mentions it as a singular honour for his country to have become the confederate of the Venetians, "who, for their great excellence and power, had never allied them selves with any state or prince, except at their ancient conquest of Constantinople and Romania." The result of this combination was to annex the district of Treviso to the Venetian dominions. But they made no further conquests in

fall of the republic of Venice—The article is well written, and, I presume, contains a faithful account of the work; the author of which, Signer Barzeni, is respected as a patriotic writer in Italy.

I very one, who has been at Venter, most have been struck with the magnificent torabs of the doges, most of their in the church of S. Giovannie Paolo, in which their public seems to identify herself with her chief magistrate, and to make the decorations and inscriptions on his monument a record of his own wealth and glory. In the church of the Scalin, on a single square stone in the pavenent, a

very different epit uph from that of Lorid tim or Loss eri may be of all Massix Cristias. There is words to ask the place of integration Maning the last dog, who own publishments for the times, caused him to sure this own dignity, and the liberties of Venice. To my feelings the inscription was more straining that the famous Locia Miring Falger, programments among the pictures of the doges in the half of the forest Council.

. I m c 40

that age. On the contrary they lost Treviso in CHAP. the unfortunate war of Choggia, and did not regain it till 1389. Nor did they seriously attempt to withstand the progress of Gian Galeazzo Viscontr, who, after overthrowing the family of Scala, stretched almost to the Adriatic, and altogether subverted for a time the balance of power . . in Lomberdy.

But upon the death of this prince in 1404, a state of remarkable crisis took place in that country left two sons, Giovanni Maria, and Filippo Maria, Establish the other th both young, and under the care of a mother, who come was little fitted for her situation Through her misconduct, and the selfish ambition of some military leaders, who had commanded Gian Galeazzo's mercenaries, that extensive dominion was soon broken into tragments Bergamo, Como, Lodi, Cremona, and other cities, resolted, submitting themselves in general to the families of their former princes, the earlier race of usurpers, who had for nearly a century been crushed by the Visconti. A Guelf faction revived, after the name had long been proscribed in Lombardy Francesco de Carrara, lord of Padua, availed himself of this revolution to get possession of Verona, and seemed likely to unite all the cities beyond the Adige No family was so odious to the Venetians as that of Carrara. Though they had seemed indifferent to the more real danger in Gian Galeazzo's lifetime, they took up arms against this interior Both Padua and Verona were reduced, and the duke of Milan ceding Vicenza, the re-

CHAP

public of Venice came suddenly into the possession of an extensive territory. Francesco da Carrara, who had surrendered in his capital, was ITALY. put to death in prison at Venice; a cruelty perfectly characteristic of that government, and which would hardly have been avowedly permatrated, even in the fifteenth century, by any other state in Europe

Notwithstanding the deranged condition of the Milanese, no further attempts were made by the senate of Venice for twenty years. They had not vet acquired that decided love of war and conquest, which soon began to influence them against all the rules of their ancient policy still left some wary statesmen of the old school, to check ambitious designs. Sanuto has preserved an interesting account of the wealth and commerce of Venice in those days. This is thrown into the mouth of the doge Mocenigo, whom he represents as dissuading his country, with his dving words, from undertaking a war against Milan. "Through peace our city has every year, he said, "ten millions of ducats employed as mercantile capital in different parts of the world, the annual profit of our traders upon this sum amounts to four millions Our housing is valued at 7,000,000 ducats, its annual rental at 500,000 Three thousand merchant ships carry on our trade, forty-three gallies, and three hundred smaller vessels, manned by 19,000 sailors, secure our naval power Our mint has coined 1,000,000 ducuts within the year From the Milanese do-

mmions alonge we draw 1,000,000 ducats in com, CHAP and the value of 900,000 more in cloths, our ran in profit upon this traffic may be reckoned at 600,000 ducats. Proceeding as you have done to acquire this wealth, you will become masters of all the gold in Christendom, but war, and especially unjust war, will lead infallibly to ruin. Already you have spent 900,000 ducats in the acquisition of Verona and Padua, yet the expense of protecting these places absorbs all the revenue which they yield. You have many among you, men of probity and experience, chuse one of these to succeed me, but beware of Francesco Foscari It he is doge, you will soon have war, and war will bring poverty and loss of honour '\* Moemgo died, and Foscari became doge the propheenes of the former were neglected, and it cannot wholly be affirmed that they were fulfilled. Let Venice is described, by a writer thirty years later, as somewhat impaired in opulence by her long warfare with the dukes of Milan

The latter had recovered a great part of their was a dominions as rapidly as they had lost them, Vierce Giovanni Maria, the elder brother, a monster of guilt even among the Visconti, having been assassmated, Filippo Maria assumed the government of Milan and Pavia, almost his only possessions But though weak and unwarfike himself, he had

Sannto, Vite di Duchi di Venezia, in Script Rev. Ital t 1211 p. 958 Morengo's harangue is very long in Sanuto. I have en dravoured to proserve the sub-

CHAP III PART II

the good fortune to employ Carmagnola, one of the greatest generals of that military ageof the revolted cities were tired of their new masters, and their inclinations conspiring with Carmagnola's eminent talents and activity, the house of Visconti ré-assumed its former ascendance from the Sessia to the Adige. Its fortunes much have been still more prosperous, if Filippo Maria had not rashly as well as ungratefully offended Carmagnola, That great captain retired to Venice, and inflamed a disposition towards war which the Florentines and the duke of Savoy had The Venetians had previously already excited gained some important advantages in another quarter, by reducing the country of Frinh, with part of Istria, which had for many centuries depended on the temporal authority of a neighbouring prelate, the patriarch of Aquileia entered into this new alliance No undertaking of the republic had been more successful magnola led on their armies, and in about two years, Venice acquired Brescia and Bergamo, and extended her boundary to the river Adda, which she was destined never to pass.

1426

Chair in the univers Such conquests could only be made by a city so peculiarly maritime as Venice, through the help of mercenary troops. But in employing them she increly conformed to a fashion, which states to whom it was less indispensable had long since established. A great revolution had taken place in the system of military service, through most parts of Europe, but especially in Italy. During

1

the twelfth and thirteenth centuries, whether the CHAP Italian cities were engaged in their contest with PART II the emperors, or in less arduous and general hosolities among each other, they seem to have noured out almost their whole population, as an armed and loosely organized militia city, with its adjacent district, sometimes brought twenty or thirty thousand men into the field Every man, according to the trade he practised. or quarter of the city wherein he dwelt, knew his own banner, and the captain he was to obey \* In battle, the carroccio formed one common rallying point, the pivot of every movement. This was a chariot, or rather waggon, painted with vermilion, and bearing the city standard elevated upon it That of Milan required four pair of oxen to drag it forward t. To defend this sacred emblem of his country, which Muratori compares to the ark of the covenant among the Jews, was the constant object, that, giving a sort of concentration and uniformity to the army, supplied in some degree the want of more regular tactics. This militia was of comise principally composed of infantry At the mous battle of the Arbi, in 1260, the Guelf Florentines had thirty thousand foot, and three thousand horse, and the usual proportion

HALY

sent to Rome Parma and Co. mona lost their currents a to call other, and exchanged them some years afterwards a thinn it exults tion. In the tourteenth endury this custom had gone into disus-Id alad Demon, I am a 4 ! Villago, I vi c 79

<sup>&</sup>quot; Murators, Antiq Ital Des-20 Denina, Rivoluzioni il Italia, ixu c 4

<sup>†</sup> The carroccio was invented by Embert, a celebrated an hbishop of Milin, about 1049. An nali di Murat. Aniq Ital Dis-20. The carroccu of Milin was taken by Frederic II, in 1237, and

CHAP PARI II ITALY

Gentlemen, box. was five, six, or ten, to one eyer, were always mounted, and the superiority of a heavy cavalry must have been prodigiously great over an undisciplined and ill-armed popul lace. In the thirteenth and following centuries armies seem to have been considered as form dable, nearly in proportion to the number of mer at arms, or lancers. A charge of cavalry with irresistible, battles were continually won by infe rior numbers, and vast slaughter was made among the fugitives \*

became evident, a greater proportion of cavalis was employed, and armies, though better equipped and disciplined, were less numerous. This we find in the early part of the fourteenth century The main point for a state at war was to obtain a to a troops sufficient force of men at arms. As few Italian cities could muster a large body of cavalry from their own population, the obvious resource was to

> hire mercenary troops. This had been practised in some instances much earlier. The city of Genoa took the count of Savoy into pay with two hundred horse in 12254. Florence retained five hundred French lances in 1282.† But it became

As the comparative inefficiency of foot soldiers

Langle ment of 6 -

> \* Samond, that pillet &c. has some pul close observations on this subject

man at arms, as well as himself In I rance, the full complement of a lame (lance fourn) i was five or six horses, thus the 1,500 lances, who composed the original com-panies of ordonnance raised by harles VII, amounted to nine thousand cavalry But in Italy, the number was smaller. We read

<sup>†</sup> Muratori, Dissert 26

<sup>1</sup> Ammiruto, 1st Fromist p. 159 the same was done in 1297 p 200 A lance, in the technical impurge of those ages, included the lighter cavalry attached to the

much more general in the fourteenth century, CHAP chiefly after the expedition of the emperor Henry VII in 1310. Many German soldiers of fortune. remaining in Italy upon this occasion, engaged in the service of Milan, Florence, or some other The subsequent expeditions of Louis of Bayaria in 1326, and of John king of Bohenna, in 1331, brought a fresh accession of adventurers from the same country Others again came from France, and some from Hungary. All preferred to continue in the richest country and finest chmate of Europe, where their services were anxionsly solicited, and abundantly repaid fortunate prejudice in favour of strangers prevailed imong the Italians of that age. They ceded to them, one knows not why, certainly without having been vanquished, the palm of military The word Transalpine Oltraskill and valour montain is frequently applied to hired cavalry by the two Villani, as an epithet of excellence

The experience of every fresh campaign now told more and more against the ordinary militia It has been usual for modern writers to lament the degeneracy of martial spirit among the Italians of that age. But the contest was too unequal between an absolutely invulnerable body of cuirassiers, and an infantry of peasants or citizens The bravest men have little appetite for receiving

PARLII HALL

frequently of barbutt, which are defined, lanze de due cavalli Corio, p 437 Lances of three horses

were introduced about the middle of the fourteenth centary ld p 100

CHAP III. PART II

wounds and death, without the hope of inflicting any in return. The parochial militia of France had proved equally unserviceable, though, as the life of a French peasant was of much less account in the eyes of his government than that of an Italian citizen, they were still led forward like sheep to the slaughter against the disciplined forces of Edward III The cavalry had about this time laid aside the hauberk, or coat of mail, their ancient distinction from the unprotected populace, which, though incapable of being cut through by the sabre, afforded no defence against the pointed sword introduced in the thirteenth century," nor repelled the impulse of a lance, or the crushing blow of a battle-axe Plate-armour was substituted in its place, and the man at arms, cased in entire steel, the several pieces firmly rivetted, and proof against every stroke, his charger protected on the face, chest and shoulders, or, as it was called, barded with plates of steel, fought with a security of success, against enemies inferior perhaps only in these adventitious sources of courage to himself †

Comes ca- Nor was the new system of conducting hostili-

times worn on the knees and elbows, and ever greaves on the legs. This is represented in a statue of thatles I king of Raples, who died in 1225. Possibly the statue may not be quite so ancient Montfaucon, passim. Daniel, Hist, de la Milice Française, p.

Muraton, ad ann 1226

<sup>†</sup> The carboxt plate armour, engraved in Monacha Française, the is of the reign of Philip the Long, about 1315, but it does not appear generally till that of Philip of Valois, or even later. Before the complete harness of steel was adopted, plated caps were some-

ties less inconvenient to the citizens than the CHAP tactics of a battle. Instead of rapid and predatory PART II myasions, terminated instantly by a single action, and not extending more than a few days' march from the soldier's home, the more skilful combina- cand tom tions usual in the fourteenth century frequently protracted an indecisive contest for a whole sumher \* As wealth and civilization made evident the advantages of agricultural and mercantile industry, this loss of productive labour could no onger be endured Azzo Visconti, who died in 1339, dispensed with the personal service of his Milanese subjects " Another of his laws, says Galvaneo Framma, "was, that the people should not go to war, but remain at home for their own business. For they had hitherto been kept with much danger and expense every year, and especially in time of harvest and vintage, when princes ne wont to go to war, in besigging cities, and incurred numberless losses, and chiefly on account of the long time that they were so detained "t flus law of Azzo Visconti, taken separately, might be ascribed to the usual policy of an abso-But we find a similar innovalute government tion not long afterwards at Florence. In the war carried on by that republic against. Giovanni Visconti in 1351, the younger Villani informs us that " the useless and mischievous personal service of

This tedious warfare a la Fahau is called by Villani, guerra coereggiats, I vin c 49 at least I can annex no other meaning to the + Muraton, Antiquit Ital Thewrt 26

CHAP HI PAB1 II ITALY the inhabitants of the district was commuted into a money payment." This change indeed was necessarily accompanied by a vast increase of taxation. The Italian states, republics as well as principalities, levied very heavy contribu-Mastino della Scala had a revenue of 700,000 florins, more, says John Villani, than the king of any European country, except France possesses. 1 Let this arose from only nine cities of Lombardy. Considered with reference to economy, almost any taxes must be a cheap commutation for personal service. But economy may be regarded too exclusively, and can never counter-, balance that degradation of a national character which proceeds from intrusting the public **def**ence to foreigners.

Complains
of adventure

It could hardly be expected, that stipendiary troops, chiefly composed of Germans, would conduct themselves without insolence and contempt of the effeminacy which courted their services. Indifferent to the cause they supported, the highest pay and the richest plunder were their constant motives. As Italy was generally the theatre of war in some of her numerous states, a soldier of fortune, with his lance and charger for his inheritance, passed from one service to another without regret, and without discredit. But if peace hap-

had been free Complaints of heavy taxation are certainly often made against the Visconti, and other tyrants in the fourteenth century

Mait Villani, p. 135 † L. n. c. 45 | I cannot magine

<sup>†</sup> I. xi c 45 I cannot magine why M Sismond asserts, L iv p 422 that the lords of cities in Lombardy did not venture to augment the taxes imposed while they

pened to be pretty universal, he might be thrown CHAP. out of his only occupation, and reduced to a very interior condition, in a country of which he was not a native. It naturally occurred to men of their feelings, that if money and honour could . only be had while they retained their arms, it was their own fault if they ever relinquished them,.. Upon this principle they first acted in 1343, when the republic of Pisa disbanded a large body of German cavalry which had been employed in a war with Florence.\* A partizan, whom the Itahans call the Duke Guarmeri, engaged these dissatisfied mercenaries to remain united under his His plan was to levy contributions on command all countries which he entered with his company, without aiming at any conquests army, he well knew, could be raised to oppose him, and he trusted that other mercentaries would not be ready to fight against meit who had devised a scheme so advantageous to the profession. This was the first of the companies of adventure, which continued for many years to be the scourge and disgrace of Italy. Guarmeri, after some time, withdrew his troops, saturated with plunder, into Germany; but he served in the invasion of Naples by Louis, king of Hungary, in 1348, and, forming

 Susmondi, t. v. p. 3.60. The dangerous aspect which these feer man mercenaries might assume, had appeared four years before, when Lodrisio, one of the Visconti, having quarrelled with the lord of Vilan, led a large body of troops who had just been disbanded

After some desas most the city twenty hattles, the management were defeated, and I sale no taken, t s | 270 In this instance, however, they acted for another, Courriers was the first who taught them to preserve the impuritality of general rabbers

CHAP III PART II

a new company, ravaged the ecclesiastical state A still more formidable band of disciplined robbers appeared in 1353, under the command of Fra Moriale, and afterwards of Conrad Lando. denominated the Great Company, and consisted of several thousand regular troops, besides a multi-. .tude of half-armed ruttians, who assisted as sme. pioneers and plunderers. The rich cities of Tuscany and Romagna paid large sums, that the great company, which was perpetually in motion, might not march through their territory Florence alone magnanimously resolved not to offer this ignormmous tribute Upon two occasions, once in 1358 and still more conspicuously the next year, she refused either to give a passage to the company, or to redeem herself by money, and in each instance the German robbers were compelled to retire. At this time, they consisted of five thousand currassiers, and their whole body was not less than twenty thousand men, a terrible proof of the evilwhich an erroneous system had entailed upon Italy Nor were they repulsed on this occasion by the actual exertions of Florence. The courage of that republic was in her councils, not in her arms; the resistance made to Lando's demand was a burst of national feeling, and rather against the advice of the leading Florentines,\* but the army employed was entirely composed of mercenary troops, and probably for the greater part of foreigners.

Sir John Hawkwood None of the foreign partizans, who entered into

Matt. Villani, p. 537

the service of Italian states, acquired such renown CHAP in that career, as an Englishman, whom contemporary writers call Aucud or Agutus, but to whom we may restore his national appellation of Sir John ITALA. Hawkwood. This very eminent man had served in the war of Edward III., and obtained his knighthand from that sovereign, though originally, if we. may trust common fame, bred to the trade of a After the peace of Bretigni, France was ravaged by the disbanded troops, whose devastations Edward was accused, perhaps unjustly, of secretly instigating A large body of these, under the name of the White Company, passed into the service of the Marquis of Montferrat They were some time afterwards employed by the Pisans against Florence, and during this latter war, Hawkwood appears as their commander. thirty years he was continually engaged in the service of the Visconti, of the Pope, or of the Florentines, to whom he devoted himself for the latter part of his life, with more fidelity and steadiness than he had shewn in his first campaigns republic testified her gratitude by a public funeral, and by a monument which, I believe, is still extant

The name of Sir John Hawkwood is worthy to war a be remembered, as that of the first distinguished marries commander who had appeared in Europe, since the time destruction of the Roman empire. It would be absurd to suppose that any of the constituent elements of military genius which nature furnishes to energetic characters were wanting to the leaders of a barbarian or feudal army, untroubled perspi-



CHAP III PART II

cacity in confusion, firm decision, rapid execution. providence against attack, fertility of resource and stratagem. These are in quality as much required from the chief of an Indian tribe, as from the accomplished commander. But we do not find them in any instance so consummated by habitual skill, as to challenge the name of generalship. at least occurs to me, previously to the middle of the fourteenth century, to whom history has unequivocally assigned that character. It is very rarely that we find even the order of battle specially noticed The monks, indeed, our only chroniclers, were poor judges of martial excellence. vet, as war is the main topic of all annals, we could hardly remain ignorant of any distinguished skill in its operations. This neglect of military science certainly did not proceed from any predilection for the arts of peace It arose out of the general manners of society, and out of the nature and composition of armies in the middle ages The insubordinate spirit of feudal tenants, and the emulous equality of chivalry, were alike hostile to that gradation of rank, that punctual observance of irksome duties, that prompt obedience to a supreme command, through which a single soul is infused into the active mass, and the rays of individual merit converge to the head of the general.

In the fourteenth century, we begin to perceive something of a more scientific character in military proceedings, and historians for the first time discover that success does not entirely depend upon intrapidity and physical prowess. The victory of

Muhldorf ofer the Austrian princes in 1322, that CHAP decided a civil war in the empire, is ascribed to HII the ability of the Bavarian commander. Many FARLI distinguished officers were formed in the school of TIALY Edward III. Yet their excellencies were perhaps rather those of active partizans than of experienced generals. Their successes are still due rather to daring enthusiasin, than to wary and calculating combination. Like inexpert chess players, they surprize us by happy salhes against rule, or display their talents in rescuing themselves from the consequence of their own mistakes. Thus the admirable arrangements of the Black Prince at Poitiers hardly redeem the temerity which placed him in a situation where the egregious folly of his adversary alone could have permitted him to triumph. Hawkwood therefore appears to me the first real general of modern times; the earliest master, however imperfect, in the science of Turenne and Wellington Every contemporary Italian historian speaks with admiration of his skilful tactics in battle, his stratagents, his wellconducted retreats. Praise of this description, as I have observed, is hardly bestowed, certainly not so continually, on any former captain

Hawkwood was not only the greatest but the some of last of the foreign condettiers, or captains of mer benefit cenary bands. While he was yet living, a new military school had been formed in Italy, which not

<sup>\*</sup> Struyius, Corpus Hist Ger- contemporars writer, clarus mili-man p 585 Schwepperman, the tart sciential sir Bayarian general, is cilled by a

CHAP, only superseded, but eclipsed all the strangers, This important reform was ascribed to Alberic dı Barbiano, lord of some petty territories near He formed a company altogether of ITALY Bologua. Italians about the year 1379. It is not to be supposed that natives of Italy had before been absolutely recluded from service. We find several Italians, such as the Malatesta family, lords of Rimini, and the Rossi of Parma, commanding the armies of Florence much earlier But this was the first trading company, if I may borrow the analogy; the first regular body of Italian mercenaries, attached only to their commander, without any consideration of party, like the Germans and English of Lando and Hawkwood Barbiano, though himself no doubt a man of military talents, is principally distinguished by the school of great generals, which the company of St. George under his command produced, and which may be deduced, by regular succession, to the sixteenth century. The first in order of time, and immediate contemporaries of Barbiano, were Jacopo Verme, Facino Cane, and Ottobon Terzo. Among an intelligent and educated people, little inclined to servile imitation, the military art made great progress The most eminent condottieri being divided, in general, between belligerents, each of them had his genius excited and kept in tension by that of a rival in glory. Every resource of science as well as experience, every improvement in tactical arrangements and the use of arms, were required to obtain an advantage over such

equal enemies. In the first year of the fifteenth CHAP. century, the Italians brought their newly acquired PART II. superiority to a test. The emperor Robert, in alliance with Florence, invaded Gian Galeazzo's HALY dominions with a considerable army. From old reputation, which so frequently survives the intrinsic qualities upon which it was founded, an impression appears to have been excited in Italy, that the native troops were still unequal to meet the charge of German currassiers. The duke of Milan gave orders to his general, Jacobo Verme, to avoid a combat But that able leader was aware of a great relative change in the two armies. The Germans had neglected to improve their discipline, their aims were less easily wielded, their horses less obedient to the bit. A single skirmish was enough to open their eyes, they found themselves decidedly inferiors and having engaged in the war with the expectation of easy success, were readily disheartened \* This victory, or rather this decisive proof that victory might be atchieved, set Italy at rest for almost a century from any apprehensions on the side of her ancient masters.

Whatever evils might be derived, and they were not trifling, from the employment of foreign or native mercenaries, it was impossible to discontinue the system without general consent, and too many states found their own advantage in it for The condottieri were indeed such an agreement

<sup>\*</sup> Sismondi i vii p 439

CHAP III PART II

all notorious for contempt of engagements. Their rapacity was equal to their bad faith. Besides an enormous pay, for every private cuirassier received much more in value than a subaltern officer at present they exacted gratifications for every success.\* But every thing was endured by ambitious governments, who wanted their aid Florence and Venice were the two states, which owed most to the companies of adventure. The one loved war without its perils, the other could never have obtained an inch of territory with a population of sailors. But they were both almost mexhaustibly rich by commercial industry, and, as the surest pay-masters, were best served by those they employed. The Visconti might perhaps have extended then conquest over Lombardy with the militia of Milan, but without a Jacopo del Verme or a Carmagnola, the banner of St. Mark would never have floated at Verona and Berganio

laternee a me of that age

The Italian armies of the filteenth century have been remarked for one striking peculiarity. War has never been conducted at so little personal hazard to the soldier. Combats frequently occur in the annals of that age, wherein success, though

their pay Matt Villani, p 62 Simondi, t v p 412

<sup>\*</sup> Paga doppin, a move compants, of which we frequently and assumetimes granted improvedently, and more often demanded unreasonably. The first speaks for it self, the second was the reckning a month's service as completed when it was begun, in calculating

trin Gibago Visconti promised constant half pay to the conduction, whom he dishanded in 1996. This perhaps is the first mestions of half pay. Simmondi, then p. 179

warmly contested, cost very few lives even to the CHAP vanquished \* This innocence of blood, which PART II some historians turn into iidicule, was no doubt owing in a great degree to the rapacity of the companies of adventure, who, in expectation of enriching themselves by the ransom of prisoners, were anxious to save their lives. Much of the, humanity of modern warfare was originally due to this motive. But it was rendered more practicable by the nature of their arms. For once, and for once only in the history of mankind, the art of defence had outstripped that of destruction a charge of lancers many fell unhorsed by the shock, and might be suffice ited or bruised to death by the pressure of their own armour, but the

. Instances of this are very triquent. They it the retion of Zigonara in 1425, but three perre, according to Macleaver est Sour have and those by subsex tion in the mud. 1st Figure 1. At that of Monney in 14c7, to says that no one was killed I the Amendato reproves land for as all the authors of the inr present it to have been sin <u> գտտաթ, (քութ քաշ այքա</u> sinuates that Muchinel ride ries the spoffensiveness of those a waymore than it deserves, scherne of a come egh suol far, quella nele a Certainly some few battles of the of mustely contested, but attended with considerable loss Sismondi, t x p 126 137 | Bot, in greeral, the slaughter must appear very trifling Ammirato himself site that in an action between in the first to the first of the per in the first to the first of the or, rock wis killed, but it is and received that has one we warrated Ruse Collarenza de Medici, vol. 1-3 - Conserva don's general to tomony to the character of the combuts is uncontrol Historic of the trittle of Lormova, between the confede rite of Lombools and the arms of Charles VIII in turning from Nights in 1419, as very remark all the a count of the slaughter which amounted on the Italia at a to these main parefue to la trime, chi da lurghissimo tempo propagate months and the tening e for samme or freely perche minutes tigue ti no sivano pinchie similarminin non talle d'arme l' и р 175

CHAP PART II. II ALY.

lance's point could not penetrate the breast-plate. the sword fell harmless upon the helmet, the conqueror in the first impulse of passion, could not assail any vital part of a prostrate but not exposed enemy. Still less was to be dreaded from the archers or cross-bowmen who composed a large part of the infantry. The bow indeed, as drawn by an English foot soldier, was the most formidable of arms, before the invention of gunpowder. That ancient weapon, though not perhaps common among the Northern nations, nor for several centuries after their settlement, was occasionally in use before the crusades. William employed archers in the battle of Hastings \* Intercourse with the east, its natural soil, during the twelfth and thirteenth ages, rendered the bow better known But the Europeans improved on the eastern method of confining its use to cavalry By employing infantiv as archers, they gained increased size, more steady position, and surer aim Much, however, depended on the for the bow strength and skill of the archer. It was a pecuharly English weapon, and none of the other principal nations adopted it so generally, or so successfully The cross bow, which brought the strong and weak to a level, was more in favour upon the continent. This instrument is said by

equitum Gul Pictaviensis, (in Du Chesne,) p 201 Several archers are represented in the

<sup>·</sup> Pedites in fronte locavit, sa gittie armatos et balistis, item pedites in ordine secundo timiores et loncatos, ultimo turmas tapestry of Bayeux

some writers to have been introduced after the first CHAP crusade, in the reign of Louis the Fat.\* But, if HI PARTIL we may trust William of Poiton, it was employed, as well as the long bow, at the battle of Hastings Several of the popes prohibited it as a treacherous weapon; and the restriction was so far regarded that, in the time of Philip Augustus, its use is said to have been unknown in France. 1 By degrees it became more general, and cross-bowmen were considered as a very necessary part of a wellorganized army. But both the arrow and the quarrel glanced away from plate-armour, such as it became in the fitteenth century, impervious in every point, except when the vizor was raised from the face, or some part of the body accidentally The horse indeed was less completely exposed protected

Many disadvantages attended the security against wounds for which this armour had been The enormous weight exhausted the force and crippled the limbs - It rendered the heat of a southern chimate insupportable. In some circumstances it increased the danger of death, as in the passage of a river or morass. It was impossible to compel an enemy to hight, because the least entrenchment or natural obstacle could stop such unwieldy assailants. The troops might be kept in constant alarm at night, and either com-

<sup>+</sup> Du Cange, v Balista. Mu-· Le (rrand, Vie privée des ratori, Diss 20. t 1 p 402. (Ital ) Franceis, t. i. p. 349

CHAP P4 R# 11 ITALY

pelled to sleep under arms, errun the risk of bemsurprized before they could rivet their plates of steel \* Neither the Italians, however, nor the Transalpines, would surrender a mode of defence which they ought to have deemed inglorious But in order to obviate some of its military inconveniences, as well as to give a concentration an attack, which lancers impetuously charging in a single line, according to the practice at least of France in the middle ages, did not preserve, it became usual for the cavalry to dismount, and leaving their horses at some distance, to combat on foot with the lance. This practice, which must have been singularly embarrassing with the plate-armour of the fifteenth century, was introduced before it became so ponderous. It is mentioned by historians of the twelfth century, both as a German and an English custom † We find it in the wars of Edward III Hawkwood, the disciple of that school, introduced it into Italy ! And it was practised by the English in their second wars with France, especially at the battles of Crevant and Verneuil &

Custom of caralry dismount n.

<sup>\*</sup> Sismondi Cix p 1 6 † The emperor Conrid's ca-

valry to the second crusals are said by William of Tyre to have dismounted on one occasion, and fought on foot, de equis describdentes, et facti pedites, sicul mis est Teutonicis in summis necessitatibus bellica tractare prepiter I xvn c 4 And the same was done by the Fnglish in their cu gagement with the Scotch near North Allerton, commonly called

the battle of the Standard, in 115? Involen, Decem Script p 342

Sismondi, t va. p 429 Azarius, in Script Rev Ital t xvi Matt Villani

<sup>9</sup> Monstrelet, t n fol 7 14 70 Villaret, t vvn p 89 It was a Hurgundian as well as Fuglish fashion Futre les Bour guignons, says Comines, lors estorent les plus honores ceux que descendurent avec les archers i 1 C 3

Meanwhile a discovery accidentally made, per- ( 11 &P haps in some remote age and distant region, and rant it. whose importance was but slowly perceived by Europe, had prepared the way not only for a TAIN change in her military system, but for political Invertion of If we consider guneffects still more extensive powder as an instrument of human destruction, mealeulably more powerful than any that skill had devised or accident presented before, acquiring, as experience shows us, a more sanguinary dominion in every succeeding age, and borrowing all the progressive resources of science and civilization for the extermination of mankind, we shall be appalled at the future prospects of the species, and tecl perhaps in no other instance so much difficulty in reconciling the mysterious dispensation with the benevolent order of Providence great security for established governments, the surest preservation against popular tumult, it assumes a more equivocal character, depending upon the solution of a doubtful problem, whether the sum of general happiness has lost more in the last three centuries through arbitrary power, than it has gained through regular police and suppression of disorder.

There seems little reason to doubt, that gunpowder was introduced through the means of the Its use in engines of war, Saracens into Europe though they may seem to have been rather like our fire-works than artillery, is mentioned by an Arabic writer in the Escurial collection about the

CHAP III PART II year 1249. It was known meet long afterwards hour philosopher Roger Bacon, though he concealed in some degree the secret of its composition. In the first part of the fourteenth century, cannon, or rather mortars, were invented, and the applicability of gunpowder to purposes of war was understood. Edward III employed some pieces of artiller with considerable effect at Creek! But its use was still not very frequent, a circumstance which will surprize us less, when we consider the unscientific construction of artillery, the slowness with which it could be loaded, its stone balls, of uncertain amand imperfect force, being commonly fired at a

" Castri, Bibl. Aran Historia t. n p ? thus renders the original description of certain new news oil by the Moore Serpont soonsrantque scorpones circumligati ac pulvere nitrato inclusi, unde explost fulgurant at incendunt. J.m. videre erat manganium excussion veluta nub-m per aera extendi ac tonitrus instar horninbum edire fragorem, ignemion un lege ujue voment, omnia dirumpait, incendere in concret reduces. The land bee passage is at the hottom of the lage, and one would be gial to fair translation. But I think there can on the whole he no doubt that gunpowder is meant. Another Arabian writer scenie to describe the use of connen in the years 1312 and 1323 Id abd And the chronicle of Ali house XI king of Castile, distractly mentions them at the siege of Algeziras is 1342. But before this, they were suffi cuntly known in France Gunpowder and cannon are both men

tion In regitters of it countries. In the International Rombiands partial amount of the International Rombian Rombian

4 G Million, 1 xii 6 67 - 64 tem h a thrown out a sort of our then on the certainty of this t on account of I rougart a silen. But he positive testimons at Ar has, who do I within two year itterward, and had manifestly obtime I much information as to the great events passing in France count's rejected. He asembes a material effect to the enmon of I dward, color delle bombarde which I suspect, from his strong expressions, had not been employed before, except against stone wail-It seemed, he says, as if God thun dered con grande uccisione di genti, e sfondamento di cavalli

considerable elevation, and especially the diffi- CHAP culty of removing it from place to place during partie an action. In sieges, and in naval engagements, as for example in the war of Chioggia, it was more 11 MA frequently employed \* Gradually, however, the new artifice of cvil gained ground. The French made the principal improvements. They cast their cannon smaller, placed them on lighter carmages, and used balls of iron.t. They invented portable arms for a single soldier, which, though clumsy in comparison with their present state, gave an augury of a prodigious revolution in the military art John, duke of Burgundy, in 1411, had 4000 hand-cunnons, as they were called, in They are found, under different names, and modifications of form, for which I refer the reader to professed writers on tactics, in most of the wars that historians of the fifteenth century record, but less in Itals, than beyond the Alps. The Milanese, in 1449, are said to have armed their militia with 20,000 muskets, which struck terror into the old generals & muskets, supported on a rest, and charged with

rearity of the French over the Ita him artiflers, in e ausequence of these in provements

Gattaro, Ist Polevine, in Script Rev Ital t xxii p 100 Several proofs of the employment of artiflery in French success during the reign of Charles V occur in Villaret See the word Artillers in the index

Gian Galcazzo had, according to Coria, thirty-four pieces of cannon, small and great, in the Milanese army, about 1397

d'Guicciardini, l i p 75 has a remarkable passage on the supe-

<sup>\*</sup> Vularet, f. van. p. 176 (410) says that it required a quarter of an hour to char, e and her a n us ket. I must center that I very much doubt the fact of so many muskets having been collected. In 1432, that arm was wen for the first time in Tustany Muraton, Dissert to p 457

CHAP
HI
PARIH

TAIX

great delay, did less execution than our sangum ax science would require, and, uncombined with the admirable invention of the bayonet, could not in any degree resist a charge of cavalry had a greater tendency to subvert the militar. system of the middle ages, and to demonstrate the efficiency of disciplined infantry. Two free nations had already discompted by the help of such infanti. those arrogant knights on whom the fate of battles had depended a the Bohemians, instructed in the art of war by their great master, John Zisca and the Swiss, who, after winning their independence inch by mich from the house of Austria, had lately established their renown by a splendid victory over Charles of Burgundy. Louis XI took a body of increenancs from the United Cantons Maximilian had recourse to the same assistance \* And though the importance of infantry was not perhaps decidedly established till the Milanese wars of Louis XII and Francis I in the sixteenth century, yet the last years of the middle ages, according to our division, indicated the commencement of that military revolution in the general employment of pikemen and musketeers

Rivalry of Storia and Brace to Soon after the beginning of the fitteenth century, to return from this digression, two illustrious captains, educated under Alberic di Barbiano, turned upon themselves the eyes of Italy. These

debolissimo di fanteria propria, the nobility monopolising all warlike occupations. Ibid

See Guicriardinis character of the Swiss troops, p. 192. The French, he says, had no native infantry, il regno di Francia era.

were Braccio di Montone, a noble Perugian, and CHAP Storza Attendolo, originally a peasant in the village of Cotignuola Nearly equal in reputation, unless perhaps Braccio may be reckoned the more consummate general, they were divided by a long rivalry, which descended to the next generation, and involved all the distinguished, leaders of Italy The distractions of Vaples, and the anarchy of the ceclesiastical state, give scope not only to their unhtary; but political Storza was invested with extensive fiels or the kingdom of Naples, and with the office of Great Constable Braccio aimed at independent acquisitions, and formed a sort of principality around Perugia. This, however, was entirely dissmated at his death When Storza and Braccio were no more, their respective parties were headed by the son of the former, Francesco Storza, and by I week Nicolas Piccinino, who for more than twenty years State lought, with few exceptions, under opposite ban-Picemino was constantly in the service of Milan Sforza, whose political talents fully equalled his military skill, never lost sight of the splendid prospects that opened to his ambition Lugenius IV, he obtained the March of Ancona, as a fiel of the Roman sec Thus rendered more independent than the ordinary condottiers, he mingled as a sovereign prince in the politics of He was generally in alliance with Venice and Florence, throwing his weight into their scale to preserve the balance of power against Milan and Naples But his ultimate designs rested upon

HILL

CHAP
III
PART II
ITALY
He acquires the due by of Milan

Filippo Maria, duke of that city, the last of his family, had only a natural daughter, whose hand he sometimes offered, and sometimes with-Even after he had consented to held from Sforza. their union, his suspicious temper was incapable of admitting such a son-in-law into confidence, and he joined in a confederacy with the pope and king of Naples, to strip Sforza of the March. At the death of Filippo Maria in 1447, that general had nothing left but his glory, and a very disputable claim to the Milanese succession This, however, was set aside by the citizens, who revived their republican government. A republic in that part of Lombardy might, with the help of Venice and Florence, have withstood any domestic or foreign usurpation. But Venice was hostile, and Florence indifferent Storza became the general of this new state, aware that such would be the probable means of becoming its master No politician of that age scrupled any breach of faith for his Nothing, says Machiavel, was thought shameful, but to fail Storza with his army deserted to the Venetians, and the republic of Milan, being both incapable of detending itself and distracted by civil dissensions, soon fell a prey to his ambition. In 1450, he was proclaimed duke, rather by right of election, or of conquest than in virtue of his marriage with Bianca, whose sex, as well as illegitimacy, seemed to preclude ber from inheriting

Affairs of Naples I have not alluded for some time to the domestic history of a kingdom, which bore a con-

siderable part during the fourteenth and fitteenth CHAP centuries in the general combinations of Italian III policy, not wishing to interrupt the readers attention by too frequent transitions. We must HALY return again to a more remote age in order to take up the history of Naples - Charles of Anjou, after the deaths of Manfred and Conradin had left him without a competitor, might be ranked in the first class of European sovereigns. Master of Provence and Naples, and at the head of the Guelt faction in Italy, he had already prepared a formidable attack on the Greek empire, when a memorable revolution in Sicily brought humiliation on his John of Procida, a Neapolitan, 1 or anof latter years whose patrimony had been confiscated for his adherence to the party of Manfred, retained, during Non long years of exile, an implacable resentment against the house of Anjou From the dominions of Peter III king of Aragon, who had bestowed estates upon him in Valencia, he kept his eve continually fixed on Naples and Sicily former held out no favourable prospects, the Glibelin party had been entirely subdued, and the principal barons were of French extraction or But the island was in a very differinclinations Unused to any strong government, it ent state was now treated as a conquered country. A large body of French soldiers garrisoned the fortified towns, and the systematic oppression was aggravated by those insults upon women, which have always been characteristic of that people, and are most intolerable to an Italian tempera-

1272

CHAP III PARI II

John of Procida travelling in disguise through the island animated the barons with a hope of deliverance. In like disguise, he repaired to the pope, Nicolas III, who was jealous of the new Neapolitan dynasty, and obtained his sanction to the projected insurrection, to the court of Constantinople, from which he readily obtained money, and to the king of Aragon, who employed that money in fitting out an armament, that hovered upon the coast of Africa, under pretext of attacking the Moors - It is, however difficult at this time to distinguish the effects of preconcerted conspiracy from those of casual Before the intrigues so skilfully resentment conducted had taken effect, yet after they were ripe for development, an outrage committed upon a lady at Palermo during a procession on the vigil of Easter, provoked the people to that terrible massacre of all the French in their island. which has obtained the name of Sicilian Vespers Unpremeditated as such an ebullition of popular fury must appear, it fell in, by the happiest coincidence, with the previous conspiracy king of Aragon's fleet was at hand, the Sicilians soon called in his assistance, he sailed to Palermo.

adianVes us

1253

coincidence, with the previous conspiracy. The king of Aragon's fleet was at hand, the Sicilians soon called in his assistance, he sailed to Palermo, and accepted the crown. John of Procida is a remarkable witness to a truth which the pride of governments will seldom permit them to acknowledge, that an individual, obscure and apparently insignificant, may sometimes, by perseverance and energy, shake the foundations of established states, while the perfect concealment of his

intrigues proves also, against a popular maxim, CHAP that a political secret may be preserved by a HI PARLIE. number of persons during a considerable length at time \*

HALY

The long war that ensued upon this revolution we won involved or interested the greater part of civilized "" " " Europe Philip III of Trance adhered to his Various uncle, and the king of Aragon was compelled to fight for Sicily within his native dominions This indeed was the more vulnerable point of attack. Upon the sea he was lord of the ascend-His Catalans, the most intropid of Mediterrinean sulors, were led to victory by a Calabrian refugee. Roger di Loria, the most illustrious and successful admiral whom Europe produced till the age of Blake and de Ruyter Loria's battles, the eldest son of the king of Naples was made prisoner, and the first years of his own reign were spent in confinement. But notwithstanding these advantages, it was found impracticable for Aragon to contend against the

on the country of the on the a trained Do thought on the a Pear howers, did the state of Schaus till Charles and a Gally commenced on age of Message. But this is conference of from the frah Copyon has made more errors than come divides accurace in historrain in his account of the name ppin, such as calling Constiner. the queen of Poor, since reveal of daughter of Manfol A good parritise of the Sollian Vegors may be found in Velly's history of France, CAL

<sup>\*</sup> Government out the factor will de de l'ille 1 de CC e e Producivet de sector e neces or the opening of the second whom he might book so the crisions over tending to spart discrete greaters run a presenting the circumstances of the Samon Vespers, fields the whole insurnation is the neult of a deliberate constitues. On the other hand, Nicolas Specialis, a contemporary writer, in the sevenue velume of Moretoris is a lection, represents the Section Vespera as proceeding intuity

CHAP
IN
PARTII

arms of France, and latterly of Castile, sustained by the rolling thunders of the Vatican Peter III had bequeathed Sicily to his second son James, Alfonso, the eldest, king of Aragon, could not fairly be expected to ruin his inheritance for his brother's cause, nor were the barons of that free country disposed to carry on a war without national objects. He made peace accordingly in 1295, and engaged to withdraw all his subjects from the Sicilian service. Upon his own death, which followed very soon. James succeeded to the kingdom of Aragon, and ratified the renunciation But the natives of that island had received too deeply the spirit of independence to be thus assigned over by the letter of a treaty After solemnly abjuring, by their ambassadors, their allegiance to the king of Aragon, they placed the crown upon the head of his brother Frederic They maintained the war against Charles U. of Naples, against James of Aragon, their former king, who had bound himself to enforce then submission, and even against the great Roger dr Loria, who, upon some discontent with Frederic deserted their banner, and entered into the New-Peace was at length made in politan service 1300, upon condition that Frederic should retain during his life the kingdom, which was afterwards to revert to the crown of Naples, a condition not likely to be tulfilled

Upon the death of Charles II king of Naples, in 1305, a question arose as to the succession. His clidest son, Charles Martel, had been called by

maternal inheritance to the throne of Hungary. and had left at his decease a son Carobert, the reigning sovereign of that country According to the laws of representative succession, which were at this time tolerably settled in private inheritance, the crown of Naples ought to have regularly devolved upon that prince. But it was contested by his uncle Robert, the eldest living son of i Charles II, and the cause was pleaded by civilians before Pope Clement V at Avignon, the feudal superior of the Neapolitan kingdom Reasons of public utility, rather than of legal analogy, seem to have prevailed in the decision which was made in favour of Robert. The course of his reign exinced the wisdom of this determination. Robert. a wise and active, though not personally a martial prince, maintained the ascendancy of the Guelf faction, and the papal influence connected with it. against the formidable combination of Ghibelin usurpers in Lombardy, and the two emperors Henry VII and Louis of Bayaria issue survived Robert, whose crown descended to his grand-daughter Joanna She had been espoused, while a child, to her cousin Andrew, son of Carobert king of Hungary, who was educated with her in the court of Naples Auspicrously contrived as this union might seem to silence a subsisting claim upon the kingdom, it proved eventually the source of civil war and

CHAP III PART II

H I king

Grannone, Exxit Summonte of that x<sub>e</sub>e, however, approved to p 370. Some of the civilians—the decision.

CHAP Ш PARI II. HALL

Luanna Murda 1 Andn a

1.34.3

calamity for an hundred and fifty years. Andrews manners were barbarous, more worthy of his native country, than of that polished court, wherem he had been bred. He gave himself up to the society of Hungarians, who taught him to believe

berbucks that a matrimonial crown and derivative royalis were derogatory to a prince who claimed by a paramount hereditary right. In fact, he was pressing the court of Avignon to permit his own coronation, which would have placed in a very hazardous condition the rights of the queen, with whom he was living on ill terms, when one night he was seized, strangled, and thrown out of a Public rumon, in the absence of window notorious proof, imputed the guilt of this invsterious assassination to Joanna Whether histomans are authorized to assume her participation in it so confidently as they have generally done may perhaps be doubted, though I cannot venture positively to resemd their sentence The cucumstances of Andrew's death were undoubtedly pregnant with strong suspicion . Louis king of

some the arter of Andrew. to who to both many onerwards put to or all by the kink of Hungary Br, it the duly of Duraged was guilte, it is unitally that Juanua shout the so too, because she was on very bad terms with him, and imbed the chief prouds an artist her are founded on the investigation which Durazzo Limself professed to institute Coursemus of tailed through torture are as here credible in history as they ought to be in judy-

<sup>\*</sup> The Cheenide of Doom ode Garm Sug Respective secure to be our best to tenous for the circumstates connected with And as sale the encounterreading his narrative more than once, I find a vicinity fielded as to the perplexed and restorious story Crivina's option, it should be observed, is extremely heatile to the queen. Nevertheless, there are but winting presingly in, deat Charles ters) duke of Durazzo, who had married his sister, was con-

Hungary, his brother, a just and stern prince, CHAP invaded Naples, partly as an avenger, partly as a HARLH conqueror. The queen, and her second husband, Lonis of Tarento, fled to Provence, where her acquittal, after a solemn, if not in impartial, investigation, was pronounced by Clement VI Louis incanwhile found it more difficult to retain than to acquire the kingdom of Naples, his own dominion required his presence, and Joanna soon recovered her crown. She reigned for thirty years more without the attack of any enemy but not intermeddling like her progenitors, in the general concerns of Italy Childless by four husbands, the succession of Joann's began to excite ambitious speculations. Of all the male descendants of Charles I none remained but the king of Hungary. and Charles, dake of Durazzo, who had married the queen's mecc, and was regarded by her as the presumptive hen to the crown . But offended by her marriage with Otho of Brunswick, he procured the assistance of an Hungarian army to invade the kingdom, and, getting the queen into his power, took possession of the throne

HALL

ature, ever if we con The possecorresum white is not because with owners are that such confessome were ever mode. However I do not prefered to acquit become, but morely to notice the univitunty that rests over her story or remunt of the positiveness with which all historius, except those of Naples and the Abbi di Nide whose vindication. Vic de l'etrarque, t is notes a does for more harm thought have a same the murder of Andrew to have been her own act as 4 she held a brid his execution in pendict

They wheelship can de irne conce of Mary spaces of S. 98 in explosed or the observer resemblement in the control of which has been often named tool a more particular parallel la week this duke of Dareze and the care of Murray

PART II IFALY.

1378

CHAP, enterprize he was seconded by Urban VI, against whom Joanna had unfortunately declared in the great schism of the church She was smothered with a pillow, in prison, by the order of Charles The name of Joan of Naples has suffered by the lax repetition of calumnies. Whatever share she may have had in her husband's death, and cer tainly under circumstances of extenuation, her subsequent life was not open to any flagrant reproach. The charge of dissolute manners, so frequently made, is not warranted by any specific proof or contemporary testimony

How ! Amen

In the extremity of Joanna's distress, she had sought assistance from a quarter too remote to afford it in time for her relief. She adopted Louis, duke of Amon, eldest uncle of the young king of France, Charles VI, as her heir in the kingdom of Naples and county of Provence This bequest took effect without difficulty in the latter country Naples was entirely in the possession of Charles Louis, however, entered Italy with of Durazzo a very large army, consisting at least of 30,000 cavalry, and, according to some writers, more than double that number \* He was joined by many Neapolitan barons attached to the late queen But by a fate not unusual in so imperfect a state of unlitary science, this armament produced no adequate effect, and mouldered away through disease and want of provisions. Louis himself dying not long afterwards, the government of

<sup>\*</sup> Muratori Suminonte Costanzo

Charles III appeared secure, and he was tempted CHAP. to accept an offer of the crown of Hungary. This PARTIL enterprize, equally unjust and injudicious, terminated in his assassination Ladislaus, his son, a child ten years old, succeeded to the throne of Naples, under the guardianship of his mother Margaret whose exactions of money producing discontent, the party which had supported the late duke of Anjou became powerful though to call in his son. Louis II, as he was called, reigned at Naples, and possessed most part of the kingdom for several years, the young king Ladislaus, who retained some of the northern provinces, haing his residence at Gaeta 11 Louis had prosecuted the war with activity, it seems probable that he would have subdued his adversary. But his character was not very energetic and Ladislaus, as he advanced to manhood, displaying much superior qualities, gained ground by degrees, till the Angevin barons, perceiving the turn of the tide, came over to his banner, and he recovered his whole dominions.

17 4 L.Y.

The kingdom of Naples, at the close of the four- 11 years teenth century, was still altogether a feudal go-This had been introduced by the first Norman kings, and the system had rather been strengthened than impaired under the Angevin The princes of the blood, who were at one time numerous, obtained extensive domains by way of apanage. The principality of Tarento was a large portion of the kingdom. The rest was

<sup>&</sup>quot; It comprehended the provinces now called Terra different and

CHAP III PARI II. occupied by some great families, whose strenging as well as pride, was shown in the number of merat arms whom they could muster under then but. At the coronation of Louis II, in 1390 the Sanseverna appeared with 1800 cavalry completely empped.\* This illustrious house, which had filled all the high others of state, and changed kings at its pleasure, was crushed by Ladislins whose hold and unrelenting spirit well fitted him to bruise the heads of the aristo ratio hydra. After thoroughly establishing his government at home this ambitious monarch directed his powerfall resources towards foreign conquests. The ceclestastical territories had never been secure from rebellion or usurpation but legitimate sovereigns had litherto respected the patrimony of the head of the church. It was reserved for Ladislans, a tendal vassal of the Holy See, to seize upon Rome itself as his spoil. For several years, while the disordered state of the church, in consequence of the schism and the means taken to extinguish it gave him an opportunity, the king of Naples occupied great part of the papal territories. He was disposed to have carried his arms further north. and attacked the republic of Horence, if not the states of Lombardy, when his death relieved Italy from the danger of this new tyranny

Terra di Bari, tossiles pert of these adjoining. Summonte I forredi Napone, to p. 537. Orsan, pure of Lirento who diel in 1403, hed 4000 troops in arus, not the vertices of Lorenzee the assuments, to a position of the position of t

Common to the p. 517

An elder sister, Joanna II, reigned at Naples CHAP. atter Ladislaus Under this queen, destitute of conrage and understanding, and the slave of appemes which her age rendered doubly disgraceful, the kingdom relapsed into that state of anarchy from which its late sovereign had resented it shall only refer the reader to more cularged histones, for the first years of Joanna's reignthe two most powerful individuals were Storza Attendolo, great constable and Sir Gianni Caracjoh, the queen's minion, who governed the palace with unlimited swax Storza, aware that the fayourste was contriving his run, and remembering the prison in which he had bun more than once since the accession of Joanna, determined to anticipate his enemies, by calling a pretender to the crown, another Louis of Anjon, third in descent of that unsuccessful dynasty. The Angevin party. though proscribed and oppressed was not extinct, and the populace of Naples, in particular, had dways been on that side Caraccioh's influence and the queen's dishonomable weakness rendered the nobility disaffected. Lonis III, therefore had no temote prospect of success. But Caraccioli was more prudent than favourites, selected from such motives, have usually proved -Joanna was old and childless—the reversion to her dominions was a valuable object to any prince in Europe None was so competent to assist her, or so likely Adaptor of to be influenced by the hope of succession, as Arrise of Alfonso king of Aragon and Sicily That island, Asia a after the reign of its deliverer Frederic I, had

 $\Gamma_{H1}$  (1)

I HAP
III
PARI II

LIALY

unfortunately devolved upon weak or infair princes. One great family, the Chiaramonti, have possessed itself of half Sicily, not by a fendar title, as in other kingdoms, but as a kind of countrysovereignty, in opposition to the crown, though affecting rather to bear arms against the advisors of their kings, than against themselves. The marriage of Maria, queen of Sicily, with Martin, soof the king of Aragon, put an end to the national independence, of her country Dying without issue, she left the crown to her husband was consonant perhaps to the received law of some European kingdoms—But, upon the death of Martin in 1409, his father, also named Martin, king et Aragon, took possession as heir to his son, without any election by the Sicilian parliament Chiaramonti had been destroyed by the younger Marsin, and no party remained to make opposition Thus was Sicily united to the crown of Aragon Altonso, who now enjoyed those two crowns, gladly embraced the proposals of the queen of They were founded indeed on the most substantial basis, mutual interest. She adopted Alfonso as her son and successor, while he bound himself to employ his forces in delivering a kingdom that was to become his own Louis of Amou. though acknowledged in several provinces, was chiefly to depend upon the army of Sforza, and an army of Italian mercenaries could only be kept by means which he was not able to apply king of Aragon therefore had far the better prospacts in the war, when one of the many revolu-

nons of this reign defeated his immediate expecta- char-Whether it was that Alfonso's noble and affable nature afforded a contrast which Joanna was atraid of exhibiting to the people, or that he had really formed a plan to anticipate his successon to the throne she became more and more distrustful of her adopted son, till, an open rupture having taken place, she entered into a treaty? with her hereditary competitor, Louis of Anjon, and, revoking the adoption of Altonso, substituted the French prince in his room. The king of Ara- 1 hera gon was disappointed by this unforescen stroke, which, uniting the Angevin faction with that of \( \frac{1}{4} \) ... \( \frac{1}{4} \) the reigning family, made it impracticable for him to maintain his ground for any length of time in Joanna reigned for more than ten years without experiencing any inquietude from the pacific spirit of Louis, who, content with his reversionary hopes, lived as a sign of exile in Calabria . Upon his death, the queen, who did not

PARLII

and from the raction, his a vitti some time bett as sustricted days of intrigue of the para will the declaredisease make their and a Decide for the first continues in begannthat to be reason to be About this time Amoraid adjesses reason to hope for the renewal or the settlement in his favor - Caraccion had himself opened a negoriation with the king of Arage of and after his death, the durness of been embarked in the same cause Juan even resulted secretly the adoption of the duke of Anjou This circumstance might appear

in the table and to when I reter, has subhished the of the one word while bears date April 11th, 1444 Zurita And b Ara 13 5 p 217 6 about the the writing other comme a cradwojim, bie mention. Larve part of the transition tion, which must have been kenvery secret, but his authority is so respectable, that I thought it worth notice, however uninterest ing these remote uitrian a may up feur to most malere leaners ion mays been red bound again and look in overl steps in layour of Albus

CHAP III PARLII MALY 1433

long survive him, settled the kingdom on his bro-The Neapolitans were generally ther Regnier disposed to execute this bequest. But Regnier was unluckily at that time a prisoner to the duke of Burgundy, and though his wife maintained the cause with great spirit, it was difficult for here or even for himself, to contend against the king of 'Aragon, who immediately laid claim to the king-After a contest of several years, Regmer. having experienced the treacherous and selfish abandonment of his friends, yielded the game to his adversary, and Altonso founded the Aragonese line of sovereigns at Naples, deriving pretensions more splendid than just from Manfred, from the house of Swabia, and from Roger Guiscard \*

Altonios kitik of Naples In the first year of Alfonso's Neapolitan war, he was defeated and taken prisoner by a flect of the Genoese, who, as constant encines of the Catalans in all the naval warfare of the Mediterranean, had willingly lent their aid to the Angevin party. Genoa was at this time subject to Filippo Maria, duke of Milan, and her royal captive was transmitted to his court. But here the brilliant graces of Alfonso's character won over his

Si dy ulter Pheron, in contradistairtien to the other kingdom, which they decommated, Suily ofthe Pheroim. Afforse of Vragon, when he united both these, was the first who rook the title, King of the two Suilies, which his successors have retained ever since Giannone, this p. 234.

According to a treaty between Frederic III, king of Soily, and Joanna I of Nighes, in 1300, the former monarch was to assume the title of king of Trinacria. Jeasing the original style to the Neap-ditanine. But, neither be, nor his successors in the island, ever compiled with this condition, or entitled themselves otherwise than kings of

conqueror, who had no reason to consider the war CHAP as his own concern. The king persuaded him on the contrary, that a strict alliance with an Aragonese dynasty in Napley against the pretensions of any French claimant would be the true policy and best security of Milan That city, which he had entered as a prisoner, he left as a friend and ally. . From this time Filippo Maria Visconti and Alfonso were firmly united in their Italian politics, and formed one weight of the balance; which the republics of Venice and Florence kept in equipoise After the succession of Sforza to the duchy of the inner Milan, the same alliance was generally preserved Malan Storza had still more powerful reasons than his predecessor for excluding the French from Italy, his own title being contested by the duke of Orleans, who derived a claim from his mother Valentine. a daughter of Gian Galeazzo Viscontitwo republics were no longer 'disposed towards Florence had spent a great deal without any advantage in her contest with Filippo Maria,\* and the new duke of Milan had been the constant personal friend of Cosmo de Medici, who altogether influenced that republic At Venice indeed he had been regarded with very different sentiments, the senate had prolonged their war against Milan with redoubled animosity after his clevation, deeming him a not less ambitious and more formidable neighbour than the Visconti.

PARI H HAIT

3,500,000 floring 1041

The war ending with the peace of Ferram, in 1428, is said to have cost the republic of Florence

CHAP
HI
PART II
FTALY

they were deceived in the character of Sforza Conscious that he had reached an eminence beyond his early hopes, he had no care but to secure for his family the possession of Milan, without disturbing the balance of Lombardy. better knew than Sforza the faithless temper and destructive politics of the condottieri, whose interest was placed in the oscillations of interminable war, and whose defection might shake the stability Without peace it was imposof any government sible to break that ruinous system, and accustom states to rely upon their natural resources. Venice had little reason to expect further conquests in Lombardy and if her ambition had inspired the hope of them, she was summoned by a stronger call, that of self-preservation, to detend her numerous and dispersed possessions in the Levant, against the arms of Mahomet II All Italy indeed felt the perll that impended from that side and these various motives occasioned a quadruple league in 1455, between the king of Naples, the duke of Milan, and the two republics, for the preservation of peace in Italy One object of this alliance, and the prevailing object with Alfonso, was the implied guarantee of his succession in the kingdom of Naples to his illegitimate son, Ferdinand He had no lawful issue, and there seemed no reason why an acquisition of his own valour should pass against his will to collateral heirs. The pope, as feudal superior of the kingdom, and the Neapolitan parliament, the sole competent tribunal, confirmed the inheritance of

Quadruple leasur of 1455

Perdinand Whatever may be thought of the CHAP claims subsisting in the house of Anjou, there can PART II. beeno question that the reigning family of Aragon were legitimately excluded from that throne, though force and treachery enabled them ultimately to obtain it

LALT

Alfonso, sirnamed the Magnanimous, was by a haracter of far the most accomplished sovereign whom the Violes fifteenth century produced. The virtues of chivalry were combined in him with the patronage of letters, and with more than their pationage, a real enthusiasm for learning, seldom found in a king, and especially in one so active and ambitions! This devotion to literature was, among the Italians of that age, almost as sure a passport to general admiration, as his more chivalious perfection. Magnificence in architecture and the pageantry of a splendid court gave if csh lustre to his reign. The Neapolitans perceived with grateful pride, that he lived almost entirely among them, in preference to his patrimonial kingdom, and forgave the heavy taxes, which faults mearly allied to his virtues, profuseness and ambition, But they remarked a 17 dinard compelled him to impose 1 very different character in his son. Ferdinand was as dark and vindictive, as his father was affable and generous. The barons, who had many

<sup>•</sup> Giannime, 1 xxvi ( ... † A story is told true or false, that his delight in hearing Quintus Curtius read, without any other medicine, cured the king of an ill-

ness. See other proofs of his love of letters in Tirabouchi, t vi p 40. ! Cambon, | 1241

PART M HALY opportunities of ascertaining his disposition, began, immediately upon Alfonso's death, to cabal against his succession, turning their eves first to finding that prospect not favourable, to John,

1461

the legitimate branch of the family, and, on titular duke of Calabria, son of Regnier of Anjou, who survived to protest against the revolution that John was easily prevailed had dethroned him upon to undertake an invasion of Naples withstanding the treaty concluded in 1455, Florence assisted him with money, and Venice at least with her wishes, but Storza remained unshaken in that alliance with Ferdmand, which his clear-sighted policy discerned to be the best safeguard for his own dynasty. A large proportion of the Neapolitan nobility, including Orsini, prince of Tarento, the most powerful vassal of the crown, raised the banner of Amon, which was sustained also by the youngest Piccinino the last of the great condottiers, under whose command the vetetans of former warfare rejoiced to serve John underwent the fate that had always attended his family in their long competition for that throne. After some brilliant successes, his want of resources, aggravated by the defection of Genoa, on whose ancient enmity to the house of Aragon he had relied, was perceived by the barons of his party, who, according to the practice of their ancestors, returned one by one to the allegiance of Ferdinand.

1464

The peace of Italy was little disturbed, except by a few domestic revolutions, for several years

State of Italy in the latter pa t

after this Neapolitan war \* Even the most short- CHAP sighted politicians were sometimes withdrawn in Part II from selfish objects by the appalling progress of the Turks, though there was not energy enough HAIY in their councils to form any concerted plans for attention their own security Venice maintained a long, we

 Lie following distribution of ctax of 4 choosed ross imposed, or rather proposed in 14:4, to detries the expense of a general variation to be released notion of the effect weath and resource of the Italica p but it is partiable beginning porotel himself door his to conthat the arman perm floring the Veneticus Tocober, Terrorand of Vanues are no the duke of Mit a rouses, 11 sec. money the racke of Money's groom Strate on home quis of Manter, 1936 - Lee a Page the ming of Mary and 5,000 Somethick part A similar issue the force is, p. 107 where the property is a

Perhaps there be worth when to extend an estimate of the force of all Christin powers, wireled about first from Sec. - I has of the Doges of Venue (p. 9) Some parts, however, appear on que nomité : The king : Trince if is said, one take to concernos atlams, led for one topical coterring only 1 (2000). The king of Lingland can do the same. He se powers are cauth input ala r wise one of the two would be destroved. The king of Scotlant, °ch'e signore di grandi parti i popoli con grande pover'a can raise 10,000 men at irms. The king of Norway the same. The king of Spain Castile, 10,000 The king of Portugal 6,0441 The

d ke of Savoy 2,000. The duke tot Miler I . The Spalan CA make cut pay from he made trues 10 000. That of Hor no Act to the process the enperceased empercease raise sections. To king of Hiarary agoon to design the rate of the late.

The sing of lattice in 141s, had 2000 Contact of a contact of now only half. The king of Ing-Lord lead of a resonant of the engineering "reserve the king the pri very more reduced by the wars free commenters commenter dake of Burgards had good oog troy success. The take of Main trasported to the contract of the man Vernetrim Lincoln, which she sized it late to entitle

Lorence from 400 machin 200, asi house or real all the common as the common ast the competensive spect of more a business or he qui is present a control evolution which tage to a car the Inthe fifth that the process of Opthese carries so west palicy the series of Salvine of t personal restaure. Ben he or more at it in the line harder a new the mire is of titals at our cit vival of literature, the may be ascreted to the conference Court from the progress of the Otto nanarms, which he the positicians of that part of Forois most expend ! to them, into riors extensive views as to the resources and dispositions of Christian states

CHAP III PART N.

1476

but ultimately an unsuccessful contest with Mahomet II. for her maritime acquisitions in Greece and Albania; and it was not till after his death relieved Italy from its immediate terror that the ambitious republic endeavoured to extend its territories by encroaching on the house of Este

Nor had Milan shewn much disposition towards aggrandizement. Francesco Storza had been succeeded, such is the condition of despotic governments, by his son Galeazzo, a tyrant more execrable than the worst of the Visconti. His extreme cruelties, and the insolence of a debauchery that gloried in the public dishonour of families, excited

a few daring spirits to assassmate him. The Milanese profited by a tyrannicide, the perpetrators of which they had not courage or gratitude to protect. The regency of Bonne of Savoy, mother of the infant' duke, Gian Galeazzo, deserved the praise of wisdom 'and moderation. But it was overthrown in a few years by Ludovico Storza,

overthrown in a few years by Ludovico Storza, sunamed the Moor, her husband's brother, who while he proclaimed his nephew's majority, and affected to treat him as a sovereign, hardly disguised in his conduct towards foreign states, that he had usurped for himself the sole direction of government

Affairs of Genoa 10 that age, The annals of one of the few surviving republics, that of Genoa, present to us, during the fifteenth as well as the preceding century, an unceasing series of revolutions, the shortest enumeration of which would occupy several pages. Torn by the factions of Adorni and Fregosi, equal and eternal

rivals, to whom the old patrician families of Doria CHAP. and Fieschi were content to become secondary, PART II. sometimes sinking from weariness of civil tumult into the grasp of Milan or France, and again, from HALY. impatience of foreign subjection, starting back from servitude to anarchy, the Genoa of those ages exhibits a singular contrast to the calm and . regular aristocracy of the last three centuries The latest revolution within the compass of this work was in 1488, when the duke of Milan became sovereign, an Adorno holding the office of doge as his heutenant

Florence, the most illustrious and fortunate of and of Flo Italian republics, was now rapidly descending reason from her rank among free commonwealths though surrounded with more than usual lustre in the eyes of Europe. We must take up the story of that city from the revolution of 1352, which restored the ancient Guelf aristocracy, or party of the Albizi, to the ascendancy of which a popular insurrection had stripped them. I fifty ve us elapsed during which this party retained the government in its own hands with few attempts at disturbance Their principal adversaries had been exiled, according to the invariable and perhaps necessary custom of a republic, the populace and interior artizans were dispirited by their ill success. Compared with the leaders of other factions, Maso degl' Albizi, and Nicola di Uzzano, who succeeded him in the management of his party, were attached to a constitutional liberty. Yet so difficult is it for any government, which does not rest on a

broad basis of public consent, to avoid injustice, that they twice deemed it necessary to violate the ancient constitution. In 1393, after a partial HALL. movement in behalf of the vanquished faction, they assembled a parliament, and established what was technically called at Florence, a Balia.\* This was a temporary delegation of sovereignty to a number, generally a considerable number, of citizens, who, during the period of their dictatorship, named the magistrates, instead of drawing them by lot, and banished suspected individuals precedent so dangerous was eventually fatal to themselves, and to the freedom of their country Besides this temporary baha, the regular scrutimes periodically made in order to replenish the bags, out of which the names of all magistrates were drawn by lot, according to the constitution established in 1328, were so managed as to exclude all persons disaffected to the dominant faction. But, for still greater security, a council of two hundred was formed in 1411, out of those alone who had enjoyed some of the higher offices within the last thirty years, the period of the aristocratical ascendancy, through which every proposition was to pass, before it could be submitted to the two legislative councils | These precautions indicate a government conscious of public ennity, and if the Albizi had continued to sway the republic of Florence, their jealousy of the people would have suggested still more unnovations, till the constitution had acquired, in legal form as well as sub- CHAP. stance, an absolutely aristocratical character.

But, while crushing with deliberate seventy their avowed adversaries, the ruling party had left one family, whose prudence gave no reasonable Rase of the excuse for persecuting them, and whose popularity, as well as wealth, rendered the experiment hazerdous. The Medier were among the most considerable of the new, or pleberm nobility From the first years of the fourteenth century, then name not very unfrequently occurs in the domestic and military annals of Florence . Salvestro de Medici, who had been partially implicated in the democratical revolution that lasted from 1378 to 1382, escaped proscription on the revival of the Guelf party, though some of his family were afterwards banished Throughout the long depression of the popular faction, the house of Medici was always regarded as their consolation and their hope That house was now

represented by Giovanni, twhose immense wealth, honourably acquired by commercial dealings. which had already tendered the name celebrated in Europe, was expended with liberality and magnificence. Of a mild temper, and averse to

Ш PART II.

<sup>.</sup> The Midner or enumerated by Villani among the chiefs of the Black faction in Lord L ctar c 71 One of that family was inheaded by order of the duke of Athens in 1345 | xii + 2 | It is sengular that Mr Roscoe should refer their first appearance in history, as he seems to do, to the mege of Scarperi in 1341

I for your was not mearly to lated to Salviatro del Mechei Distribution are still per cup t tratto allontanarsi Ammirato, p 1012 Nevertheless his british drawn gonfalonner in 1421, cre ated a great sensation to the city, and prepared the way to the sub-sequent revolution. Ibid. Machiavelle, last

CHAP
III.
PART II.
ITALY,

cabals, Giovanni de' Medici did not attempt to set up a party, and contented himself with repressing some fresh encroachments on the popular part of the constitution, which the Albizi were disposed to make . They, in their turn, freely admitted him to that share in public councils, to which he was entitled by his eminence and virtues, a proof that the spirit of their administration was not illiberally exclusive. But on the death of Giovanni, his son Cosmo de' Medici, inheriting his father's riches and estimation, with more talents and more ambition, thought it time to avail himself of the popularity belonging to his name extensive connexions with the most eminent men in Italy, especially with Sforza, he came to be considered as the first citizen of Florence oligarchy were more than ever unpopular administration, since 1382, had indeed been in general emmently successful, the acquisition of Pisa, and of other Tuscan cities, had aggrandized the republic, while from the port of Leghorn, her ships had begun to trade with Alexandria, and sometimes to contend with the Genoese 1 But an

wealthy. The circulating money was reckoned (perhaps extravagantly) at 4,000,000 florins. The manufactures of silk and cloth of gold had never flourished so much. Architecture revived under Brunelleschi, literature under Leonard. Aretin and Filelfo. p. 977. There is some truth in M. Sismondi's remark, that the Medici have derived part of their glory from their predecessors in

Machineth, Ist Fiorer

<sup>†</sup> The Horentines sent their first merchant ship to Alexandria in 1422, with great and anxions hopes. Prayers were ordered for the success of the republic by sea, and an embassy dispatched with presents to conclude the sultan of Babrlon, that is, of Grand Carm Ammirato, p. 907. Horence had never before been so

unprosperous war with Lucca diminished a reputa- CHAP. tion which was never sustained by public affection. Cosmo and his friends aggravated the errors of the government, which having lost its wise MALY. and temperate leader, Nicola di Uzzano, had fallen into the rasher hands of Rinaldo degl. Albizi. He incurred the blame of being the first aggressor in a struggle which had become inevitable Cosmo 1433 was arrested by command of a gontalomer devoted to the Albizi, and condemned to banishment. But the obgarchy had done too much or too little The city was full of his triends, the honours conferred upon him in his exile attested the sentiments of Italy Next year he was recalled in triumph to Florence, and the Albizi were completely overthrown

It is vain to expect, that a victorious faction will scruple to retaliate upon its entinies a still greater measure of injustice than it experienced at their hands The vanguished have no rights in the eyes of a conqueror. The sword of returning exiles, flushed by victory, and incensed by suffering, falls successively upon their enemies, upon those whom they suspect of being enemics, upon those who may hereafter become such Albizi had in general respected the legal forms of their free republic, which good citizens, and perhaps themselves, might hope one day to see more effective. The Medici made all their go-

> breaking out in 1423, tended a good deal to impoverish the city

government, whom they subverted, and whom they have rendered obscure But the Milanese war,

CHAP III PART II vernment conducive to hereditary monarchy. A multitude of noble citizens were driven from then country; some were even put to death was appointed for ten years to exclude all the Albizi from inagistracy, and, for the sake of this security to the ruling faction, to supersede the legitimate institutions of the republic After the expiration of this period, the dictatorial power was renewed on pretence of tresh danger, and this was repeated six times in twenty-one years \* In 1455, the constitutional mode of drawing magistrates was permitted to revive, against the wishes of some of the leading party good reason to be jealous of a liberty, which was incompatible with their usurpation falomers, drawn at random from among respectable citizens, began to act with an independence to which the new obgaichy vas little accustomed. Cosmo, indeed, the acknowledged chief of the party, perceiving that some who had acted in insubordination to him were looking forward to the opportunity of becoming themselves its leaders, was not unwilling to throw upon them the unpopularity attached to an usurpation by which he had maintained his influence Without his apparent participation, though not against his will, the free constitution was again suspended by a balia appointed for the nomination of magistrates, and the regular drawing of names by lot was never, I believe, restored † Cosmo died at an advanced age

<sup>\*</sup> Machiavelli, I v Aminirato † Ammirato, i ii p 82-7

in 1464. His son Piero de' Medici, though not CHAP deficient either in virtues or abilities, scemed too infirm in health for the administration of public At least, he could only be chosen by a sort of hereditary title, which the party abovementioned, some from patriotic, more from selfish motives, were reluctant to admit. A strong opposition was raised to the family protensions of the Like all Florentine factions, it trusted and the chance of arms was not in its to violence There is little to regret in the downfall of that obgarchy, which had all the disregard of popular rights, without the generous virtues of the From this revolution in 1466, when some of the most considerable citizens were banished, we may date an acknowledged supremacy in the house of Medici, the chief of which nominated the regular magistrates, and drew to himself the whole conduct of the republic

The two sons of Piero, Lorenzo and Julian, for mole especially the former, though young at their tather's death, assumed, by the request of their friends, the rems of government It was impossible that, among a people who had so many recollections to attach to the name of liberty, among so many citizens whom their ancient constitution invited to public trust, the controll of a single family should excite no dissatisfaction, and per-

1469

are perpetual references in this \* Ammirato, p. 93. Rescors are perpetual references in this Lorenzo de' Medici ch. 2. Medici part of history, where no other is chiavelle Sismonde Thetwe latter n ni

CHAP
III
PART IL
ITALY.

haps their want of any positive authority heightened the appearance of usurpation in their influence But, if the people's wish to resign their freedom gives a title to accept the government of a country. the Medici were no usurpers That family never lost the affections of the populace. The cry of Palle, Palle their armorial distinction' would at any time rouse the Florentines to defend the chosen patrons of the republic. If their substantial influence could before be questioned, the conspiracy of the Pazzi, wherein Julian perished, excited an enthusiasm for the surviving brother, that never Nor was this any thing ceased during his life. unnatural, or any severe reproach to Florence All around, in Lombardy and Romagna, the lamp of liberty had long since been extinguished in blood. The freedom of Siena and Genoa was dearly purchased by revolutionary proscriptions, that of Venice was only a name The republic which had preserved longest, and with greatest purity, that vestal fire, had at least no relative degradation to fear in surrendering herself to Lorenzo de' Medici - I need not in this place expatrate upon what the name instantly suggests, the patronage of science and art, and the constellation of scholars and poets, of architects and painters, whose reflected beams cast their radiance around his head. His political reputation, though far less durable, was in his own age as conspicuous as that which he acquired in the history of letters. Equally active and sagacious, he held his way through the varying combinations of Italian policy. CHAP always with credit, and generally with success Florence, if not enriched, was upon the whole aggrandized during his administration, which was track exposed to some severe storms from the unserupulous adversaries, Sixtus IV and Ferdinand of Naples, whom he was compelled to resist. As a patriot, indeed, we never can bestow upon Lorenzo de Medici the meed of disinterested virtue. He completed that subversion of the Florentine republic, which his two immediate ancestors had so well prepared. The two councils, her regular legislature, he superseded by a permanent senate of seventy persons,\* while the gontalonier and priors, become a mockery and pageant, to keep up the illusion of liberty, were taught that in evercising a legitimate authority, without the sanction of their prince a name now first heard at Florence, they meaned the risk of punishment for their audacity ! Even the total dilapidation of his com-

PART IL

<sup>\*</sup> Amounto p. 14 c. Mae ti vel. 15 d. for that the condition ristringere il governo è che o delder know important in redigiresero in minore a noto. Mr Ros. one, solution is spiral flow to explor the desired for the fire had the professionality by his large But though it rader appears from Ammirato's expressions, that the two councils were any abolished, yet from M. Sisnacide 1 31 p. 186 who quotes an author Library not seen, and from Nards, p. 7. 1 should infer that they still formally subsisted

I Carra, a paraletier of each one aborrer transferd the administral some profes officers que to alle toofte separtes, save Ammerica, o score parterpazere. Ternach Medicipine cipi del governo toso seguito, che ne Pave in piece traspo si ritrovava. p. 114. The confidence was fined for executing his constitutional tunctions. This was a townright confession that the republic was at in end, and all it provides M. Sumunds to say, is not ton much t xi p 145

CHAP PART II.

HALY.

mercial wealth was repaired at the cost of the state, and the republic disgracefully screened the bankruptcy of the Medici by her own.\* But, compared with the statesmen of his age, we can reproach Lorenzo with no heinous crime. He had many enemies his descendants had many more, but no unequivocal charge of treachery or assassination has been substantiated against his memory. By the side of Galeazzo or Ludovico Sforza, of Ferdinand or his son Altonso of Naples, of the pope Sixtus IV., he shines with unspotted lustre. 1492 So much was Lorenzo esteemed by his contemporaries, that his premature death has frequently been considered as the cause of those unhappy revolutions that speedily ensued, and which his

> . Smoothe Med crtock or then selves the character of privace, they had forgotten how to be merchants. But, impendently chough, they leed not discortinued their commercia, which was of course mosnerical l by agents where they did not overlook. The consequence was the complete dilagodation of their vant fortune. The public revenues had been for some very applied to make up its deficiencies. But, from the measures adopted by the republic, it we may still use that name, the should appear to buse considered he saif, rather than I orenzo, as the debtor. The interest of the public debt was diminished one half Many charitable tourdations were suppressed. The circulating specie was taken at one fifth below its nominal value in payment of taxes, while the ko-verament continued to issue it at

its former rate. Thus was Lo-

an oreintered apartothic less, at the experience of all his fellow COLUMN Samonda, Car p. 47. Pas shahily albeit I to by Ma chasel

The varteyperolature of the Mesdon for the side of political influcace would of itself have absorbed the sore prints. Compassadly Concentration to have spent 400,000. due it in building that his, moneteries, and other public works In p. 41. The expenses of the family between 14 4 and 1471 in buildings, charities and taxes alone arounted tores, 7 is floring, equalin value, according to Sismondi, to 52,000,000 france at present. Hist des Republ t x p 173. They seem to have advanced monies inproductly, through their agents, to I dward IV, who was not the best of debtors. Commes, Mem de Charles VIII., I vn 1 6

foresight would, it was imagined, have been able CHAP to prevent; an opinion which, whether founded PARTH in probability or otherwise, attests the common sentiment about his character

It indeed Lorenzo de Medici could not have Protessons changed the destinies of Italy, however premature of Fame his death may appear, it we consider the ordinary plan duration of human existence, it must be admitted. • that for his own welfare, perhaps for his glory, he had lived out the full measure of his time. An age of new and uncommon revolutions was about to arise, among the earliest of which the temporary downfall of his family was to be reckoned long contested succession of Naples was again to myolye Italy m wat The ambition of strangers was once more to desolate her plains. I erdinand, king of Naples, had reigned for thirty veris after the discomiture of his competitor, with success, and ability but with a degree of all faith as well as tyranny towards his subjects that rendered his government deservedly othors. His son Alfonso, whose succession seemed now near at hand, was still more marked by these vices than himself. Meanwhile, the pretensions of the house of Anjon had legally descended, after the death of old Regmer, to Regnet duke of Lorraine, his grandson by a daughter whose marriage into the house of Lorraine had, however, so displeased her father,

<sup>·</sup> Commiss, who speaks suffi ciently ill of the father, some is the son wharacter very concacts but homine a veste pais cruel qui

lie, ne plus maneaus ne plus secourset plus intert to plus zourmand quibe Israel

CHAP HI PARCH

that he bequeathed his Neapolitan title, along with his real patrimony, the county of Provence, to a count of Maine, by whose testament they became vested in the crown of France XI, while he took possession of Provence, gave himself no trouble about Naples But Charles VIII, inheriting his father's ambition without that cool sagacity which restrained it in general from impracticable attempts, and far better cucumstanced at home than Louis had ever been was ripe for an expedition to vindicate his pretension upon Naples, or even for more extensive It was now two centuries since the projects kings of France had aimed, by intervals, at conquests in Italy Philip the Lan and his successors were anxious to keep up a connexion with the Guelf party, and to be considered its natural heads, as the German emperors were of the Chi-The long English wars changed all views of the court of France to self-defence. fitteenth century, its plans of aggrandisement beyond the Alps began to revive. Several times, as I have mentioned the republic of Genoa put itself under the dominion of France The dukes of possessing most part of Picdmont, and masters of the mountain-passes, were by birth, intermarriage, and habitual policy, completely dedicated to the French interests. In the former

<sup>\*</sup> Dennie Storia dell Triba Oecidentife trir possion (Lenis M) after the Lected Secondary that of France alter protenitation and in this and the deep renitation and the secondary of the pro-

even trained in himself the regency after the death of Philheet I, under prefered of preventing disorder 1 195. The margins of Sa-

wars of Ferdinand against the house of Anjou, CHAP Pope Puis II., a very enlightened statesman, fore- HI PART II saw the danger of Italy from the prevailing influence of France, and deprecated the introduction of her armies . But at that time the central parts or Lombardy were held by a man equally renowned as a soldier and a politician, Francesco Storza Conscious that a claim upon his own dominions subsisted in the house of Orleans, he maintained a strict alliance with the Aragonese dynasty at Naples, as having a common into rest against France But after his death the connexion between Milan and Naples came to be weakened. In the new system of alliances, Milan and Florence, sometimes including Venice, were combined against Ferdinand and Sixtus IV, an imprincipled and restless pontiff. Ludovico Storza, who had usurped the guardianship of his nephew, the doke of Milan, tound, as that young man idvanced to maturity. that one crime required to be completed by ano-

STARY I

in a situation of the terranges if the third had enthickness of the ever which the period that 1945 the enjoy of his few sets of the deleted Same The Local Conmother profess for infectioner at Lav. p. 127

 Cosmo de M. h., in vene. tereure with Pius II as I horizon, having expressed by surprise that the pope should support be recorded Part has here branders hasse of rigem & se constitutura irros ejici, megucid Italia liberiati conducte Calles, o region die coassent, Senas hard dubic subprogramme to the second inhit ich ros. Bors en Manne du German de la la como la com nor to somble was of and a Astronomy to the Roman y a min Francorani I desperate to most non-transcal is tradeous notati, business liahan dim Ferderande a to ter-Compensar Pu Second 3-8 p. n Sports s, at 1.1 mm to this passace, is very ninger, but the year 14 of pre-ed P ed II to be tweet state small

PART II

CHAP, ther. To depose and murder his ward was however a scheme, that prudence, though not conscience, bade him hesitate to execute. He had rendered Ferdinand of Naples, and Piero de Mediei, Lorenzo's heir, his decided enemies. lution at Milan would be the probable result of his continuing in usurpation. In these circumstances, ■39 Ludovico Sforza excited the king of France to undertake the conquest of Naples.\*

So long as the three great nations of Europe were unable to put forth their natural strength through internal separation or foreign war, the Italians had so little to dread for their independence, that then policy was altogether directed to regulating the domestic balance of power among In the latter part of the fitteenth century, a more enlarged view of Europe would have manifested the necessity of reconciling petry animosities, and eacrificing petty ambition, in order to preserve the nationality of their governments, not by attempting to melt down Loinbards and Neapolitans, principalities and republics, into a single monarchy, but by the more just and rational scheme of a common federation politicians of Italy were abundantly competent, as far as cool and clear understandings could render them, to perceive the interests of their country But it is the will of Providence, that the highest and surest wisdom, even in matters of policy, should never be unconnected with virtue

Guicciardus 15

heving himself from an immediate danger, Ludo- CHAP vico. Sforza overlooked the consideration that the presumptive hen of the king of France claimed by an ancient title that principality of Milan, which HALY he was compassing by usurpation and murder -But neither Milan nor Naples was free from other claimants than France, nor was she reserved to enjoy unmolested the spoil of Italy and a louder strain of warlike dissonance will be heard from the banks of the Dapube, and from the Mediterranean gult. The dark and wily Ferdinand, the rash and lively Maximilian, are preparing to hasten into the lists, the schemes of ambition are assuming a more comprehensive aspect, and the controversy of Neapolitan succession is to expand into the long rivalry between the houses of Trance and Austria fealy is still untouched, and before as yet the first lances of Trance gleam along the defiles of the Alps, we close the history of the Middle Ages

IND CL. THE THIST VOLUME